



Journal of the Senate

Number 17

Wednesday, May 24, 1989

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

PRAYER

The following prayer was offered by the Rev. Dr. James R. Crook, Jr., Senior Minister, Trinity United Methodist Church, Gainesville:

O God, always beyond us, yet ever near us, who is King of Kings and Lord of Lords, ruler of the universe, yet who knocks on the door of our hearts for entry; with your strong hands you created all that is and in your love and trust you put the creation in our hands and gave us dominion over it; if we are wise men and women we will most surely sense the need to put our hands in your hands, daily, and seek your direction in all that we do.

It is in this spirit, then, that we pray that you will, this day, enlighten our minds that we might think clearly about all of the concerns before us today; sensitize our hearts that we might feel deeply for all of the people and their multiple needs in our state; quicken our spirits that with goodwill and camaraderie we might engage in today's debate.

And when the day is over let us go to our places of rest with a sense of a job well done because we have tried to let you be our guide throughout the day. In the name of the Father, the Son and the Holy Spirit. Amen.

The Senate paused in silent prayer for the Honorable Claude Pepper, United States Congressman from Florida.

PLEDGE

Senator Forman led the Senate in the pledge of allegiance to the flag of the United States of America.

Consideration of Resolutions

On motion by Senator Souto, by two-thirds vote SR 1508 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Souto—

SR 1508—A resolution commending Agustin W. Castellanos, M.D., for his accomplishments in the field of medicine.

WHEREAS, Agustin W. Castellanos, M.D., best known for his work in pediatric cardiology, was born in Cuba in 1902 and obtained his M.D. degree from the University of Havana School of Medicine, and

WHEREAS, while Professor of Pediatrics at the University of Havana School of Medicine, Dr. Castellanos became a world renowned specialist in the treatment of congenital heart disease, and

WHEREAS, Dr. Castellanos has been a researcher, practitioner, and teacher, and in 1935 became Medical Director of the newly created Children's Hospital of Havana, and

WHEREAS, Dr. Castellanos was nominated for the Nobel Prize in medicine and physiology by Ecuador and Colombia in 1959 and 1960, respectively, and

WHEREAS, after settling in Miami in 1960, Dr. Castellanos held different academic and institutional positions, including Visiting, and later Clinical, Professor of Pediatrics at the University of Miami School of Medicine, Senior Scientist at the National Children's Cardiac Hospital, Acting Chief of Pediatric Cardiology at Variety Children's Hospital, and Professor of Pediatrics at the federally sponsored International School of Medicine's Postgraduate Courses for Foreign Medical Graduates, and

WHEREAS, Dr. Castellanos is an honorary member of more than 25 national and international societies of pediatrics, pediatric cardiology, radiology, and adult cardiology and has authored or coauthored numerous medical studies and articles, and

WHEREAS, in 1967, after having passed the examination given by the Florida Board of Medical Examiners, Dr. Castellanos restarted private practice of pediatrics and pediatric cardiology in Coral Gables, Florida, at an age when most physicians tend to retire, and is a beloved practitioner in South Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Agustin W. Castellanos, M.D., is commended for his outstanding contributions in the field of medicine.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Agustin W. Castellanos as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

At the request of the President, Senator Souto escorted Dr. Castellanos and his son Dr. Castellanos, Jr., to the rostrum where Dr. Castellanos, Sr., was presented a copy of the resolution.

On motion by Senator Souto, by two-thirds vote SR 1510 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Souto—

SR 1510—A resolution commemorating Francisco A. Hernandez, M.D.

WHEREAS, Francisco A. Hernandez, M.D., a Cuban native, who obtained his B.A. and M.D. degrees at Columbia University in New York City, emigrated to the United States and, in 1945, was named Director of the National Children's Cardiac Hospital in Miami, and

WHEREAS, under the directorship of Dr. Hernandez, the National Children's Cardiac Hospital was established as an observation and treatment facility for pediatric patients from the entire United States who were afflicted with rheumatic heart disease, and

WHEREAS, in the 1950's, Dr. Hernandez became interested in the diagnostic tools available in the care of children with congenital heart disease and established the first diagnostic center in the state, and one of the first in the United States, to perform invasive procedures, and

WHEREAS, Dr. Hernandez became a premier teacher of the newly formed specialty of pediatric cardiology, a training program maintained at the National Children's Cardiac Hospital until Dr. Hernandez's retirement as its director in 1973, and since continued in his name at the University of Miami School of Medicine, and

WHEREAS, Dr. Hernandez was the author or coauthor of numerous publications and prestigious national and international scientific periodicals, and

WHEREAS, when the National Children's Cardiac Hospital was incorporated into the University of Miami, Dr. Hernandez was appointed as Assistant Professor, then Professor, in the departments of pediatrics and medicine, and

WHEREAS, Dr. Hernandez was, for more than 20 years, a member of the Cardiac Advisory Committee for Children's Medical Services which established standards of cardiac care for infants, children, and adolescents which are the model for the entire nation, and

WHEREAS, Dr. Hernandez was the first president of the Florida Association of Pediatric Cardiologists, an organization of physicians dedicated to the care of children with various types of heart disease, and

WHEREAS, Dr. Hernandez's advocacy for sick children suffering from acquired and congenital heart disease and his honesty and passion for humanity resulted in the love and friendship of thousands of patients, and

WHEREAS, Dr. Hernandez, who died April 14, 1985, left a legacy for all pediatric cardiologists to admire and emulate, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Francisco A. Hernandez, M.D., is commemorated for his outstanding contributions in the field of pediatric cardiology.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

At the request of the President, Senator Souto escorted Dr. and Mrs. Hernandez to the rostrum where Dr. Hernandez was presented a copy of the resolution.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 24, 1989: SB 1333, SB 1394, HB 1413, CS for SB 230, CS for SB 1251, CS for SB's 932, 357, 396, 465 and 775, SB 820, CS for SB 799, SB 521, SB 743, SB 537, CS for SB 739, CS for SB 540, CS for SB 1310, CS for CS for SB 1298, SB 659, SB 712, CS for SB 736, CS for SB 250, SB 1237, CS for SB 1218, SB 1222, CS for SB 113, SB 864, SB 762, CS for SB 627, SB 647, SB 137, CS for SB 191, SB 418, SB 570, CS for SB 713, SB 1023, CS for SB 1109, CS for CS for SB 749, SB 1234, SB 727, SB 645, CS for SB 1396, CS for CS for SB 224, CS for SB 1066, CS for SB 1413, CS for SB 225, SCR 1146, SB 487, CS for SB's 271 and 41, CS for SB 1285, CS for SB 532, CS for SB 817, HB 834, SB 1324, CS for SB 1325, SB 1356, CS for SB 175, CS for SB 682

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 24, 1989: SB 737, SB 1482, SB 1484, SB 1488, SB 1499, CS for SB 1502, SB 1504, SB 1505, SB 1512, SB 1530, SB 1531, SB 1532, SB 1533, SB 1538, SB 1540

Respectfully submitted,
James A. Scott, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1415

The Committee on Education recommends the following pass: HB 1154 with 1 amendment, CS for HB 1177, SB 718, CS for SB 893

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 20 with 4 amendments

The Committee on Governmental Operations recommends the following pass: CS for HB 374 with 2 amendments, SB 1060, CS for SB's 1399 and 1196 with 2 amendments

The Committee on Health Care recommends the following pass: SB 255

The Committee on Insurance recommends the following pass: CS for SB's 913 and 680, SB 935

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 277 with 1 amendment, CS for SB 969

The Committee on Transportation recommends the following pass: SB 681 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: CS for HB 371

The Committee on Transportation recommends the following pass: HB 19

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 931 with 1 amendment

The bill was referred to the Committee on Economic, Professional and Utility Regulation under the original reference.

The Committee on Appropriations recommends the following pass: CS for SB 232 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 121 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 1448

The Committee on Insurance recommends the following pass: SB 878

The Committee on Judiciary-Civil recommends the following pass: CS for SB's 846, 52 and 769

The Special Master on Claims recommends the following pass: SB 16 with 2 amendments, SB 180 with 2 amendments, SB 1034, SB 1479

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 460

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Higher Education recommends the following pass: SB 832 with 2 amendments

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Economic, Professional and Utility Regulation recommends the following pass: SB 1077

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends the following pass: SB 889 with 1 amendment

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1421

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1509 with 1 amendment

The Committee on Governmental Operations recommends the following pass: CS for CS for HB 1366 with 13 amendments

The Committee on Higher Education recommends the following pass: SB 1136

The Committee on Judiciary-Civil recommends the following pass: HCR 320, SCR 1318

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: SB 119 with 1 amendment, CS for SB 154, CS for SB 236, CS for SB 282, CS for SB 284 with 2 amendments, SB 288, CS for SB 335 with 8 amendments, CS for SB 346, SB 440 with 2 amendments, SB 637 with 1 amendment, CS for SB 676, SB 687, CS for SB 693 with 2 amendments, CS for SB 732 with 2 amendments, CS for SB 797, CS for SB 877, CS for SB 890, CS for SB 1036 with 3 amendments, SB 1160, CS for SB 1241 with 1 amendment, SB 1314, CS for SB 350 with 1 amendment, SB 373, SB 495, CS for SB 780 with 1 amendment, CS for SB 905, CS for SB 1062, SB 1313, CS for SB 1427, CS for SB's 1441 and 1460 with 2 amendments, SB 1450

The Committee on Community Affairs recommends the following pass: HB 641

The Committee on Economic, Professional and Utility Regulation recommends the following pass: CS for SB 1215, CS for SB 1414

The Committee on Education recommends the following pass: SB 725

The Committee on Ethics and Elections recommends the following pass: HB 540

The Committee on Governmental Operations recommends the following pass: HB 1616, SB 708

The Committee on Higher Education recommends the following pass: HB 450, HB 1122

The Committee on Insurance recommends the following pass: SB 740, SB 930 with 2 amendments, SB 1294, SB 1400

The Committee on Judiciary-Civil recommends the following pass: SB 316, SB 830

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: CS for SB 1470

The Committee on Transportation recommends the following pass: HB 921, SB 1059 with 2 amendments, SB 1302

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Corrections, Probation and Parole recommends the following not pass: SB 202, SB 1228

The Committee on Economic, Professional and Utility Regulation recommends the following not pass: SJR 909, SB 1456

The Committee on Ethics and Elections recommends the following not pass: SB 717

The Committee on Health Care recommends the following not pass: SB 417

The Committee on Natural Resources and Conservation recommends the following not pass: SB 1330

The Committee on Transportation recommends the following not pass: SB 755

The bills contained in the foregoing reports were laid on the table.

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 48

The Committee on Education recommends committee substitutes for the following: SB 145, SB 1361, SB 707

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB's 9, 1 and 248

The Committee on Governmental Operations recommends committee substitutes for the following: SB 66, SB 798, SB 1424

The Committee on Higher Education recommends committee substitutes for the following: SB 1343, SB 1388

The Committee on Judiciary-Civil recommends committee substitutes for the following: CS for SB 1163, SB 1451

The Committee on Transportation recommends a committee substitute for the following: SB 1174

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: Senate Bills 699 and 838, SB 1162

The Committee on Transportation recommends a committee substitute for the following: SB 622

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 319

The Committee on Transportation recommends a committee substitute for the following: SB 1007

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Economic, Professional and Utility Regulation under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 579

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 656

The Committee on Health Care recommends a committee substitute for the following: SB 1428

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 484, SB 689, SB 1039

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1048

The Committee on Transportation recommends committee substitutes for the following: SB 701, SB 1014

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 976

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 1355

The Committee on Higher Education recommends a committee substitute for the following: SB 1088

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1207

The Committee on Transportation recommends a committee substitute for the following: CS for SB 1076

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Education recommends a committee substitute for the following: Senate Bills 518 and 572

The bills with committee substitute attached were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 950

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 1229, SB 1462

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1267

The Committee on Transportation recommends a committee substitute for the following: SB 988

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 574

The bill with committee substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1347

The bill with committee substitute attached was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Bills 132, 140 and 150

The bills with committee substitute attached were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Joint Resolutions 341 and 1344

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 535

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: SB 361, CS for SB 459, CS for SB 615, CS for SB 955, SB 1380

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB's 1327 and 1098

The Committee on Economic, Professional and Utility Regulation recommends committee substitutes for the following: SB 215, SB 216, SB 462, SB 1121, SB 1135, SB 1137, SB 1212, SB 1363

The Committee on Education recommends committee substitutes for the following: SB 968, SB 1139

The Committee on Ethics and Elections recommends committee substitutes for the following: Senate Bills 231, 103, 111, 131, 163, 183, 402, 432 and 530, SB 531, CS for SB 809

The Committee on Governmental Operations recommends committee substitutes for the following: SB 65, SB 1068

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 193, SB 1367

The Committee on Insurance recommends committee substitutes for the following: SB 1097, SB 1131, SB 1177

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 545, CS for SB 1382, CS for SB 389, CS for SB 1012, SB 1419

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 501, SB 302, SB 602

The Committee on Transportation recommends committee substitutes for the following: SB 1173, SB 1368

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The select subcommittee on reviser's bills recommends HB 1686, HB 1760 with 2 amendments, HB 1758 with 2 amendments, HB 1759 with 2 amendments, HB 1757 with 3 amendments, HB 1754 with 1 amendment, HB 1756 with 3 amendments, and HB 1755 with 3 amendments favorably to the Committee on Rules and Calendar.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Plummer—

SB 1540—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; amending chapter 67-1724, Laws of Florida, as amended, relating to the powers and duties of the district; expanding the powers of the governing board with respect to the providing of all types of health services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Senators McPherson, Kirkpatrick, Johnson, Woodson-Howard, Peterson, Malchon, Brown, Weinstock, Kiser, Dudley and Grizzle—

CS for CS for SB's 9, 1 and 248—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses that exceed a limit specified by the department; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creating additional positions and providing appropriations; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senators Ros-Lehtinen, Souto and Casas—

CS for SB 48—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S.; providing for issuance of a 2-year restricted license to certain applicants; providing requirements; providing for supervised practice; providing requirements for issuance of an unrestricted license; providing for rules; providing an effective date.

By the Committee on Governmental Operations and Senator Kiser—

CS for SB 65—A bill to be entitled An act relating to administrative rulemaking; amending s. 120.54, F.S.; revising items that must be included in the economic impact statement that must be prepared by an agency before it adopts, amends, or repeals a rule; providing an effective date.

By the Committee on Governmental Operations—

CS for SB 66—A bill to be entitled An act relating to the Farm Registration Law; amending s. 450.31, F.S.; requiring farm labor contractors to pay an application fee of \$100; amending s. 450.32, F.S.; providing that certificates may be denied to certain applicants and revoked or suspended with respect to certain registrants; amending s. 450.38, F.S.; providing that assessed penalties be deposited in the Crew Chief Registration Trust Fund; providing an effective date.

By the Committee on Ethics and Elections; and Senators Scott, Brown, Kiser, Weinstein, Davis and Forman—

CS for SB's 132, 140 and 150—A bill to be entitled An act relating to lobbying; creating s. 112.3142, F.S.; providing definitions; restricting lobbying activities by state employees; providing a penalty; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 145—A bill to be entitled An act relating to education; amending ss. 230.2312, 230.2319, F.S.; providing for instruction in the basic subjects as part of the Florida Primary Education Program and instruction in music and art as part of the Florida Progress in Middle Childhood Education Program; providing for electives; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Casas and Forman—

CS for SB 193—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.407, F.S.; providing penalties for the unlicensed operation or maintenance of such a facility; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation—

CS for SB 215—A bill to be entitled An act relating to land surveying; amending s. 472.003, F.S.; providing an exemption; amending s. 472.011, F.S.; expanding rulemaking authority relating to fees; providing a schedule of fees; amending s. 472.021, F.S.; deleting the requirement that persons seeking to practice land surveying under a corporation obtain approval from the Department of Professional Regulation; authorizing the Board of Professional Land Surveyors to impose a fee assessment on registered land surveyors; creating a committee to make recommendations with respect to specified aspects of chs. 471, 472, 489, F.S.; repealing s. 472.003(3), F.S.; relating to certain exemptions from licensure as a land surveyor; reviving and readopting provisions of ch. 472, F.S., not withstanding repeals scheduled under the Regulatory Sunset Act and providing for future legislative review and repeal of such provisions; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation—

CS for SB 216—A bill to be entitled An act relating to psychological services; amending s. 455.26, F.S.; modifying the composition of the Impaired Practitioners Committee; amending s. 490.003, F.S.; redefining the terms "psychologist" and "school psychologist" and defining the terms "practice of psychology" and "practice of school psychology"; amending s. 490.005, F.S.; revising requirements for licensure by examination; prescribing fees; amending s. 490.006, F.S.; revising requirements for licensure by endorsement; amending s. 490.008, F.S.; providing procedures for placement of licensees in voluntary or involuntary inactive status; amending s. 490.009, F.S.; prescribing procedures in certain disciplinary proceedings; creating s. 490.0095, F.S.; providing for treatment programs for impaired practitioners; amending s. 490.012, F.S.; modifying violations for using specified words; providing a penalty; amending s. 490.014, F.S., relating to exemptions; amending s. 491.003, F.S.; defining the terms "practice of clinical social work," "practice of marriage and family therapy," and "practice of mental health counseling"; amending s. 232.02, F.S.; correcting a cross-reference; saving chapter 490, F.S., from Sunset repeal; providing for future review and repeal; amending an effective date.

By the Committee on Ethics and Elections; and Senators W. D. Childers, Kirkpatrick, Weinstein, Brown, Grant, Gordon and Walker—

CS for SB's 231, 103, 111, 131, 163, 183, 402, 432 and 530—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; modifying definitions used in The Florida Election Code; amending s. 97.041, F.S.; requiring legal residency in this state for voter registration; providing for preregistration of 17 year olds; amending s. 97.063, F.S.; modifying the attesting witnesses requirement on absentee registration forms; amending s. 97.0631, F.S.; providing for notice to overseas electors when possible; amending s. 97.091, F.S.; requiring a person to have his legal residence in the precinct in which he votes; transferring ss. 99.012, 99.032, 99.091, 99.0965, 99.103, 99.121, F.S., to ss. 106.40, 106.42, 106.45, 106.50, 106.52, 106.53, F.S., respectively; amending s. 98.051, F.S.; revising the hours and days a supervisor may keep his office open; amending s. 98.211, F.S.; providing for copies of voter information within certain time limit; providing a penalty; amending s. 98.231, F.S.; requiring supervisors to maintain certain information on electors and handicapped electors; amending s. 98.271, F.S.; providing voter registration services to clients of residential facilities; transferring and amending s. 99.021, F.S.; correcting cross-references; transferring and amending s. 99.061, F.S.; modifying procedures for notifying candidates of errors in their qualifying papers; transferring and amending s. 99.081, F.S.; providing for election of U.S. Senators; transferring and amending s. 99.092, F.S.; correcting cross-reference; transferring and amending s. 99.095, F.S.; providing procedures for candidates qualifying by petition; correcting cross-references; transferring and amending s. 99.0955, F.S.; providing technical changes; correcting cross-references; transferring and amending s. 99.096, F.S.; providing technical changes; correcting cross-references; transferring and amending s. 99.097, F.S.; correcting cross-reference; providing that persons or organizations wanting to have an issue placed on the ballot by the petition process may have certain charges and fees

waived; amending s. 100.041, F.S.; deleting obsolete language; amending s. 100.111, F.S.; correcting cross-reference; providing procedures for filling a vacancy in nomination which occurs less than 21 days prior to an election; amending s. 100.151, F.S.; prohibiting the governing authority of a municipality from calling any special election without notice; amending s. 100.361, F.S.; prescribing procedures and requirements for municipal recall petitions; providing clarifying language; amending s. 100.371, F.S.; correcting cross-references; amending s. 101.131, F.S.; providing time for designating poll watchers; amending ss. 101.141, 101.151, F.S.; making ballot specifications applicable to all types of ballots; amending s. 101.252, F.S.; providing that a candidate for party executive committee member shall have his name printed on the first primary ballot; amending s. 101.253, F.S.; allowing supervisor to reprint certain ballots; amending s. 101.254, F.S.; requiring candidate to provide certain information on his qualifying papers; amending s. 101.31, F.S.; providing technical changes; amending s. 101.5609, F.S.; allowing the use of alternative procedures to record issuance of ballots; amending ss. 101.58, 101.6102, F.S.; providing technical changes; amending s. 101.62, F.S.; providing for the advanced mailing of absentee ballots to overseas electors; amending s. 101.67, F.S.; revising deadline for counting absentee ballots; amending s. 101.68, F.S.; revising deadlines for canvass of absentee ballots; amending s. 102.031, F.S.; providing restrictions on access to polling rooms and polling places; providing exceptions; amending s. 102.111, F.S., and creating s. 102.112, F.S.; revising procedures for canvassing of county election returns; providing a penalty; amending ss. 102.151, 103.021, F.S.; providing technical changes; providing clarification; correcting cross-references; amending s. 103.101, F.S.; providing procedures for having a presidential candidate's name placed on the ballot; extending time for counting of absentee ballots for presidential preference primary ballots; amending s. 103.121, F.S.; correcting cross-references; amending s. 104.071, F.S.; allowing candidates to furnish complimentary tickets and make certain contributions from personal or business funds; amending s. 105.035, F.S.; providing conforming language; repealing s. 101.121, F.S., relating to persons allowed in polling room; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Davis—

CS for SB 302—A bill to be entitled An act relating to the acquisition of public lands; amending s. 253.025, F.S.; deleting provisions governing the selection of fee appraisers; directing the Division of State Lands to adopt rules governing the selection of fee appraisers; directing the board of trustees to adopt criteria for appraisal reports; deleting provisions governing information to be transmitted to fee appraisers; authorizing disclosure of appraisal information to local governments and nonprofit organizations; authorizing the division to use appraisals obtained by local governments or nonprofit organizations; requiring appraisers to consider the number of dwelling units in a development under certain circumstances; deleting provisions governing appraisal techniques and appraisal reports; authorizing the Board of Trustees of the Internal Improvement Trust Fund to use appraisals obtained by the Federal Government when acquiring land for the Federal Government; directing the board of trustees to adopt by rule a method for determining the value of land for state acquisition; deleting the provisions allowing the state to pay in excess of the appraised amount for land; deleting certain restrictions with respect to joint purchases; deleting the provision allowing the state to pay for certain historical properties; providing the Department of Natural Resources with eminent domain powers under certain circumstances; amending ss. 375.031, 380.08, F.S.; providing clarifying language; providing effective dates.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Grant—

CS for SB 319—A bill to be entitled An act relating to controlled substances; amending s. 112.011, F.S.; providing exceptions to state employment and licensing provisions; creating s. 775.16, F.S.; disqualifying specified convicted drug offenders from state employment, licenses, and other benefits; amending s. 893.11, F.S.; requiring license revocation for specified convicted drug offenders; providing an effective date.

By the Committee on Ethics and Elections; and Senators Kiser and Stuart—

CS for SJR's 341 and 1344—A joint resolution proposing an amendment to Section 4, Article III of the State Constitution and the creation of Section 19, Article III of the State Constitution relating to meetings of the Legislature, legislative committees, and legislators.

By the Committee on Appropriations and Senator Johnson—

CS for SB 361—A bill to be entitled An act relating to the Florida RICO (Racketeering and Corrupt Organization) Act; amending s. 895.02, F.S.; bringing certain offenses within the meaning of the term "racketeering activity"; providing an effective date.

By the Committees on Judiciary-Civil and Insurance—

CS for CS for SB 389—A bill to be entitled An act relating to civil procedure; amending s. 768.79, F.S.; prescribing procedures to be followed in making and accepting offers of settlement; prescribing information which must be contained therein; providing for award of costs and attorney's fees when an offer has been wrongfully rejected; providing for disallowal of costs and fees if the offer was not made in good faith; repealing s. 45.061, F.S., relating to offers of settlement; providing for applicability; providing an effective date.

By the Committees on Appropriations, Education and Senators Johnson, Stuart, Gordon and Walker—

CS for CS for SB 459—A bill to be entitled An act relating to public schools; creating s. 233.0575, F.S.; providing legislative intent; authorizing school districts to employ mathematics-science mentor teachers; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approving pilot projects; requiring a library of information; providing for review and repeal; creating s. 236.1228, F.S.; providing legislative intent; creating an incentives grant program for public high schools; defining the term "high school"; providing achievement indicators; providing for program funding; creating s. 232.2467, F.S.; defining "graduation rate"; providing for rulemaking; requiring reports; amending s. 236.13, F.S.; exempting certain incentives funds from use in federal compliance standards; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Forman—

CS for SB 462—A bill to be entitled An act relating to pharmacy; amending s. 465.0156, F.S., relating to disclosure of nonresident pharmacies; creating a registration for nonresident pharmacies under the Department of Professional Regulation; requiring any out-of-state pharmacy which ships, mails, or delivers drugs to be registered; providing a limited exemption; providing a fee; providing for adherence to pharmacy regulations; providing for denial, revocation, or suspension of registration, or fine or reprimand; prohibiting advertising by nonresident pharmacies under certain circumstances; amending s. 465.025, F.S., to include reference to nonresident registered pharmacies; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 484—A bill to be entitled An act relating to water resources; amending s. 187.201, F.S.; revising the state comprehensive plan; amending s. 200.065, F.S.; providing for advertisements of millage increases; amending s. 373.016, F.S.; revising the state water policy; creating s. 373.0391, F.S.; providing for technical assistance to local governments in developing and revising comprehensive plan elements related to water resource issues; amending s. 373.046, F.S.; providing for interagency agreements; providing for notice of such agreements; amending s. 373.069, F.S.; modifying the boundaries of the Suwannee River and St. Johns River Water Management Districts; providing for the administration of water management district permits; providing for the conditional future merger of the Suwannee River and Northwest Florida Water Management Districts, contingent upon the passage of an amendment to the State Constitution; dissolving the district's governing boards upon such merger; providing for the appointment of a new governing board; providing for a cooperative study; amending s. 373.073, F.S., expanding the membership of the governing board of the Southwest Florida Water Management District; creating s. 373.0736, F.S.; providing for the expiration of terms of present members of the board and for the appointment of new members; amending s. 373.079, F.S.; providing for delegation of permitting authority to water management district executive directors; amending s. 373.103, F.S.; providing for local government enforcement of a delegated stormwater permitting or surface water management program; amending s. 373.109, F.S.; authorizing water management permit fees to include the costs of monitoring and enforcement; amending s. 373.117, F.S.; authorizing the Department of Environmental Regulation or the governing board of a water management district to require the certification of permits and permit applications by professional engineers

and other specified professionals; creating s. 373.122, F.S.; providing for the inspection of certain property for permit condition compliance by water management district personnel; providing an exemption from liability; amending s. 373.129, F.S.; authorizing local governments delegated authority pursuant to s. 373.103(8), F.S., to maintain actions and deposit civil fines into a local water pollution control trust fund and use said funds for specified purposes; creating s. 373.1395, F.S.; providing a limitation on liability of water management districts making certain areas available without charge to the public for recreational purposes; abolishing the Green Swamp Basin within the Southwest Florida Water Management District; authorizing the district to establish a Green Swamp Basin Advisory Council; amending s. 373.403, F.S.; providing definitions; amending s. 373.406, F.S.; providing for exemptions or general permits for certain stormwater management systems; amending s. 373.413, F.S.; requiring permits for construction or alteration of stormwater management systems; providing for public notice of permit applications; amending s. 373.416, F.S.; requiring permits for maintenance or operation of stormwater management systems; amending s. 373.417, F.S.; authorizing water management districts or the Department of Environmental Regulation to adopt rules relating to the discharge of stormwater and stormwater facilities; requiring the establishment of requirements for the monitoring and maintenance of stormwater management systems; creating s. 373.418, F.S.; preserving existing rules; amending s. 373.419, F.S.; requiring completion or alteration reports relating to stormwater management systems; amending s. 373.423, F.S., providing for inspections of stormwater management systems; amending s. 373.426, F.S., relating to the abandonment of facilities; amending s. 373.429, F.S., relating to the revocation and modification of permits; amending s. 373.433, F.S., relating to the abatement of violations; amending s. 373.436, F.S., relating to remedial measures; amending s. 373.439, F.S., relating to emergency measures; amending s. 373.443, F.S., relating to immunity from liability for the state or water management districts; amending s. 373.451, F.S.; providing legislative intent relating to the Surface Water Improvement and Management Act; amending s. 373.453, F.S.; requiring water management districts to review and update lists of water bodies in need of protection and restoration; revising requirements for surface water improvement and management plans; requiring water management districts to submit certain funding proposals to the Department of Environmental Regulation; amending s. 373.455, F.S.; providing for the review of surface water improvement and management plans; creating s. 373.456, F.S.; providing for the approval of such plans by water management district governing boards; requiring the Department of Environmental Regulation to determine if such plans are consistent with state water policy; amending s. 373.457, F.S.; requiring the water management districts to coordinate the implementation of such plans; amending s. 373.459, F.S.; providing for the distribution of moneys in the Surface Water Improvement and Management Trust Fund upon the merger of the Suwannee River and Northwest Florida Water Management Districts; authorizing the Secretary of Environmental Regulation to allocate a specified percentage of moneys in the trust fund for certain purposes; amending s. 373.503, F.S.; increasing the millage that may be levied by the Northwest Florida Water Management District; changing millage rates within the Southwest Florida Water Management District; removing obsolete provisions; amending s. 403.031, F.S.; providing definitions; amending s. 403.061, F.S., relating to the powers and duties of the Department of Environmental Regulation; creating s. 403.064, F.S.; providing requirements for the reuse of reclaimed water within critical water supply problem areas; repealing s. 403.1659, F.S., relating to the Florida Groundwater Protection Task Force; creating s. 403.1657, F.S.; requiring interdepartmental coordination of groundwater protection; amending s. 403.812, F.S.; providing a limited exemption from dredge and fill permitting for certain stormwater management systems; requiring the state to fully comply with all governmental stormwater management programs; repealing s. 2 of ch. 85-211, Laws of Florida, abrogating the scheduled repeal of a millage assessment within the St. Johns River Water Management District; repealing ss. 1, 2, 25 of ch. 88-242, Laws of Florida, relating to the governing board of the Southwest Florida Water Management District and the length of board members' terms of office; reviving and readopting ss. 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, F.S., relating to governing and basin boards of water management districts, notwithstanding their scheduled repeal October 1, 1989, pursuant to s. 25 of ch. 88-242, Laws of Florida, and repealing said sections and section 373.088, F.S., October 1, 1994, and providing for review of said sections in advance of that date; providing effective dates.

By the Committee on Natural Resources and Conservation; and Senator Grizzle—

CS for SB 501—A bill to be entitled An act relating to state aquatic preserves; amending s. 258.36, F.S.; revising legislative intent with respect to setting aside preserves; amending s. 258.37, F.S.; deleting definitions of different types of aquatic preserves for purposes of ss. 258.35-258.46, F.S.; amending s. 258.38, F.S.; requiring each aquatic preserve to be classified as one of specified types and managed according to its classification; amending s. 258.396, F.S.; revising the conditions under which the Board of Trustees of the Internal Improvement Trust Fund may sell, transfer, or lease certain lands within the Boca Ciega Bay Aquatic Preserve; amending ss. 258.39, 258.392, 258.3925, F.S.; revising the boundary descriptions of certain aquatic preserves; providing an effective date.

By the Committee on Education and Senators Davis, Johnson and Walker—

CS for SB's 518 and 572—A bill to be entitled An act relating to education; amending s. 228.061, F.S., relating to other public schools; correcting cross-references; amending and renumbering s. 228.0615, F.S.; revising provisions relating to the prekindergarten early intervention program; revising intent and purpose; requiring implementation of prekindergarten early intervention programs by school districts and providing for administration by district school boards; revising requirements relating to children to be served; requiring the submission of a plan for implementing a prekindergarten early intervention program; specifying requirements for plan approval; requiring the Commissioner of Education to conduct a study of the effectiveness of the program; providing for monitoring of programs and technical assistance to districts; revising content of annual reports by school districts; revising funding provisions; providing additional uses for funds; providing for grants and providing a calculation for allocation; providing for allocation of funds for certain programs; revising staffing of the State Advisory Council on Early Childhood Education; deleting obsolete provisions; revising name and membership of the district interagency coordinating councils and deleting a reporting requirement; requiring certain rules; providing for review and repeal; amending s. 229.565, F.S.; requiring examination and evaluation of prekindergarten early intervention programs; amending s. 232.01, F.S.; requiring admission of 3-year-old handicapped children to public special education programs and permitting attendance by handicapped children below the age of 3 years; amending s. 232.03, F.S.; requiring evidence of a child's age before admission to prekindergarten; amending s. 232.045, F.S.; conforming a cross-reference; amending s. 234.02, F.S.; providing for the use of motor vehicles other than school buses under specified conditions; authorizing the transportation of students in privately owned motor vehicles under specified conditions; providing for liability; authorizing the establishment of more restrictive policies; authorizing contracting with a common carrier; providing for emergency actions; providing for rules; amending s. 236.083, F.S.; providing a method for allocating school district transportation funds for prekindergarten students; amending s. 402.30, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Ethics and Elections; and Senator Plummer—

CS for SB 531—A bill to be entitled An act relating to elections; amending s. 100.011, F.S.; extending the hours for the closing of the polls; amending ss. 101.6103, 101.65, 101.67, 101.68, 163.511, F.S.; providing conforming language; providing for future review and repeal; providing an effective date.

By the Committees on Governmental Operations; Ethics and Elections; and Senator Brown—

CS for CS for SB 535—A bill to be entitled An act relating to public officers and employees; creating s. 112.3149, Florida Statutes; prohibiting public officers and employees from accepting certain honoraria; providing definitions; providing an effective date.

By the Committee on Judiciary-Civil and Senator Woodson-Howard—

CS for SB 545—A bill to be entitled An act relating to grandparents rights; creating s. 752.001, F.S.; providing a definition; amending s. 752.01, F.S.; providing that it is mandatory, rather than optional, for a court to award visitation rights to grandparents in specified circumstances; providing for grandparental visitation rights when the grandchild is born out of wedlock; amending s. 752.07, F.S.; clarifying language with respect to the affect of adoption on the right of visitation; amending s. 39.401, F.S.; providing that a grandparent has priority consideration over certain other persons with respect to receiving placement of a child

who is taken into custody; amending s. 39.41, F.S.; requiring a court to determine whether a grandparent is willing to exercise protective supervision or take temporary legal custody of a dependent child and to give priority consideration to a grandparent who requests either type of custody; creating s. 39.4105, F.S.; providing visitation rights with a grandchild who has been adjudicated dependent; providing criteria for such visitation; prohibiting restrictions on certain displays of affection; providing for future termination of visitation rights; providing exceptions; amending s. 409.165, F.S.; providing that, if the Department of Health and Rehabilitative Services places a dependent child away from his immediate family, placement with a willing grandparent is preferable to placement with another relative; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Langley—

CS for SB 574—A bill to be entitled An act relating to juveniles; amending s. 316.655, F.S.; providing that juveniles who violate the terms of their sentence imposed for conviction of a criminal traffic offense may have their driver's license suspended until they comply with all court directives; providing an effective date.

By the Committee on Community Affairs and Senator Crenshaw—

CS for SB 579—A bill to be entitled An act relating to municipal public improvements; amending s. 170.01, F.S.; including sanitary sewer systems among the improvements municipalities are authorized to provide; including lift stations among the authorized appurtenances to such improvements; providing for recovery of costs through special assessments against benefited property; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Grant—

CS for SB 602—A bill to be entitled An act relating to saltwater fisheries; amending s. 327.02, F.S.; expanding the definition of "commercial vessel"; amending s. 370.06, F.S.; revising provisions relating to saltwater products licenses to revise requirements for a "restricted species" endorsement; requiring commercial vessel registration for vessels from which commercial quantities of saltwater products are harvested; providing an effective date.

By the Committees on Appropriations, Commerce and Senators Beard, Girardeau, Peterson and Grant—

CS for CS for SB 615—A bill to be entitled An act relating to stolen property; amending ch. 538, F.S.; creating part I, Second-Hand Dealers, consisting of ss. 538.03, 538.04, 538.05, 538.06, 538.07, 538.08, 538.09, 538.11, 538.15, 538.16, and 538.17, F.S.; and creating part II, Secondary Metals Recyclers, consisting of ss. 538.18, 538.19, 538.20, 538.21, 538.22, 538.23, 538.24, 538.25, and 538.26, F.S.; providing definitions; providing recordkeeping requirements, verification requirements, and criminal penalties; providing for inspection of records and premises; mandating holding periods in certain circumstances; providing penalties; providing pleading for return of stolen property and providing procedure; providing for registration of second-hand dealers and secondary metals recyclers with the Department of Revenue; providing fees and establishing the Second-Hand Dealer and Secondary Metals Recycler Clearing Trust Fund; providing for fingerprinting; providing for a fine for violations and for denial, suspension, or revocation of registration; providing powers and duties of department; providing for rules; prohibiting certain acts and practices; providing for disposal of property held by pawnbrokers and requiring notice; authorizing local regulation; amending s. 680.104, F.S.; providing for precedence over the Uniform Commercial Code; repealing ss. 538.01, 538.011, 538.012, 538.014, 538.016, 538.018, 538.019, 538.02, and 538.021, F.S., relating to precious metals dealers, junk dealers, scrap-metal processors, and foundries; repealing ss. 715.04, 715.041, 715.0415, and 715.042, F.S., relating to pawnbrokers; providing an effective date.

By the Committee on Transportation and Senator Casas—

CS for SB 622—A bill to be entitled An act relating to towing of motor vehicles; amending s. 713.78, F.S.; revising notice and other requirements with respect to liens for recovering, towing, or storing vehicles; requiring notice to the Department of Highway Safety and Motor Vehicles under certain circumstances; providing a penalty; providing a procedure for sale of certain vehicles; limiting liability; revising procedures for an owner or lienholder to recover the vehicle; amending s. 715.07, F.S.; revising the time period that the site where a motor vehicle is towed must be open for the purpose of redemption of the vehicle; modifying language; repealing s. 715.05, F.S.; relating to the reporting of unclaimed motor vehicles; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Grant—

CS for SB 656—A bill to be entitled An act relating to professional practices; amending ss. 396.1725, 397.082, F.S.; exempting certain practitioners from licensure provisions pertaining to alcoholism and drug dependency treatment; providing for the vaccination of dogs and cats against rabies; requiring each county to designate a rabies vaccination administrator; establishing qualifications for such administrators; establishing vaccine requirements and providing vaccination exceptions; providing requirements for rabies vaccination certificates; providing a penalty; providing for the purchase of vaccines; requiring recordkeeping; providing for the adoption of local government regulations; prohibiting the use of certain vaccines; providing exceptions; amending s. 474.202, F.S.; providing definitions; amending s. 474.203, F.S., to conform; amending s. 474.207, F.S.; revising requirements for licensure by examination; providing requirements for certain foreign-trained veterinarians; amending s. 474.213, F.S.; revising prohibitions; providing a penalty; amending s. 474.214, F.S.; revising grounds for disciplinary actions; revising penalties; providing conditions for the reinstatement of certain licenses; amending s. 474.215, F.S.; revising procedure for issuance of a premises or mobile clinic permit; increasing maximum fee; prohibiting transfer of permit; providing for biennial inspection; creating s. 474.2151, F.S.; providing for renewal of premises or mobile clinic permits; providing for a fee; providing for delinquency and expiration of such permits; providing for notice; creating s. 474.2168, F.S.; providing prohibitions and requirements for use of drugs or controlled substances; amending s. 474.217, F.S.; revising requirements for licensure by endorsement; amending s. 455.241, F.S.; correcting a cross reference; providing for review and repeal; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

CS for SB 689—A bill to be entitled An act relating to hazardous waste facilities; amending s. 403.7215, F.S.; authorizing a local government to use revenue derived from a tax on privately owned commercial hazardous waste facilities to pay costs incurred by the local government as a result of the operation of the facilities under certain circumstances; amending s. 403.7226, F.S.; requiring the Department of Environmental Regulation to file an annual assessment of state needs for hazardous waste facilities and services with the Governor and the Legislature; abolishing a requirement that the department file such assessment with the Cabinet; amending s. 37 of ch. 83-310, Laws of Florida; deleting certain requirements relating to the siting of a hazardous waste facility; designating a hazardous waste facility in Union County; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Kiser and Stuart—

CS for SB's 699 and 838—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; providing thresholds for levels of development that can take place pursuant to a preliminary development agreement; providing procedures for abandoning a preliminary development agreement; requiring developments of regional impact outside of Areas of Critical State Concern to be consistent with the State Comprehensive Plan; providing requirements for determining substantial deviation to an approved development of regional impact; providing for the express designation of lands to be used to mitigate the impacts of development; authorizing regional planning agencies to assess fees to fund costs of the review process; authorizing the land planning agency to adopt rules concerning a developer's abandoning a development of regional impact; amending s. 380.0651, F.S.; providing statewide guidelines for waterport or marina facilities; amending s. 944.095, F.S.; providing exceptions for review of correctional facilities as developments of regional impact; amending s. 380.061, F.S.; revising the circumstances which cause the 90-day time period for designation as a Florida Quality Development to cease to run; modifying the procedures for review of an application for designation as a Florida Quality Development and execution of a development order; providing for exemption from development of regional impact review upon said designation; revising procedures for appeal; providing an effective date.

By the Committee on Transportation and Senator Kiser—

CS for SB 701—A bill to be entitled An act relating to bond financing; amending s. 215.605, F.S.; deleting certain requirements relating to the issuance of state bonds for right-of-way acquisition and state bridge

construction; providing authorization to issue state bonds to finance right-of-way acquisition phases and bridge construction projects in the Department of Transportation's adopted 5-year transportation plan; providing an effective date.

By the Committee on Education and Senator Woodson-Howard—

CS for SB 707—A bill to be entitled An act relating to education; amending s. 230.2319, F.S., relating to the Florida Progress in Middle Childhood Education Program; requiring instruction in comprehensive health education in grades 6 through 8; providing an effective date.

By the Committee on Governmental Operations and Senator Meek—

CS for SB 798—A bill to be entitled An act relating to state auditing and state purchasing; amending s. 11.42, F.S.; providing for an audit statement regarding agency compliance with minority procurement goals; amending s. 215.422, F.S., relating to procedures for payment for goods and services by state agencies; revising time periods for filing of vouchers with the Comptroller and issuance of warrants in payment of invoices; providing a time limitation for approval of goods or services; providing for determination of the date of receipt of an invoice; revising the time period after which an interest penalty for late payment applies and providing for calculation thereof; specifying that temporary unavailability of funds does not relieve the agency from the obligation to pay the interest penalty; revising requirements for monitoring by the Department of Banking and Finance; creating a vendor ombudsman within the department and providing duties; prohibiting certain inconsistent rules and policies; providing for application to certain reimbursements to state officers and employees; providing for application to state agencies which use third parties, revolving funds, or local bank accounts to pay invoices; providing an interest penalty for late payments to health care providers; specifying that nothing in said section shall be construed as an appropriation; amending s. 287.0585, F.S.; providing for restitution for attorney's fees and costs by a person violating provisions relating to late payments to subcontractors and suppliers by contractors with state agencies; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; providing certain reporting requirements with respect to minority business enterprises in state contracting; amending s. 287.062, F.S.; providing an exception to competitive bid requirements for commodities available from only a single certified minority business enterprise; providing additional encouragement for agency set-asides for minority business enterprises; providing for direct payment of minority business enterprises; amending s. 288.712, F.S.; authorizing the Florida Black Business Investment Board to institute bond and credit programs and to invest in or enter joint ventures with private entities for such purposes; amending s. 339.08, F.S., relating to the use of moneys in the State Transportation Trust Fund; requiring preferential processing of invoices for early payments in return for discounts therefor; providing an appropriation for a study to examine and measure disparities between minority groups and other Floridians; providing effective dates.

By the Committees on Ethics and Elections; Governmental Operations; and Senators Kiser, Brown, Dudley, Stuart, Deratany, Peterson, Souto and Langley—

CS for CS for SB 809—A bill to be entitled An act relating to lobbying; providing legislative findings; creating s. 112.3215, F.S.; requiring persons who seek to influence state executive agencies to register with the Commission on Ethics; providing exceptions; providing for an annual registration fee; requiring expenditure reports; providing for investigations, reports, and advisory opinions by the Commission on Ethics; providing for rules; providing penalties; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 950—A bill to be entitled An act relating to instructional materials; amending s. 233.165, F.S.; prohibiting the showing of certain movies in the public schools; providing an effective date.

By the Committees on Appropriations, Judiciary-Civil and Senator Beard—

CS for CS for SB 955—A bill to be entitled An act relating to eminent domain; amending ss. 73.091, 73.092, F.S.; specifying the meaning of the term "benefits resulting to the client from the services rendered" for purposes of assessing attorney's fees in eminent domain proceedings; providing for the confidentiality of financial records; providing limitations on the amount of attorney's fees to be awarded; requiring the reduction of the amount of attorney's fee paid by the defendant in certain circumstances; providing for applicability; providing an effective date.

By the Committee on Education and Senator Gardner—

CS for SB 968—A bill to be entitled An act relating to requirements for high school graduation; amending s. 232.246, F.S.; providing for exemption of certain high school students from instruction about disease; providing for modification of the minimum high school graduation requirements for a standard diploma to accommodate students whose religious beliefs preclude their study of disease; providing an effective date.

By the Committee on Community Affairs and Senator Meek—

CS for SB 976—A bill to be entitled An act relating to the status of women; creating s. 14.24, F.S.; establishing the Florida Commission on the Status of Women; providing for membership and organization; providing duties; authorizing the commission to receive funds; requiring a report; providing for review and repeal; providing an effective date.

By the Committee on Transportation and Senator Beard—

CS for SB 988—A bill to be entitled An act relating to motor vehicle title certificates; amending s. 319.24, F.S.; providing a revised procedure with respect to liens on motor vehicles and mobile homes when there is more than one lienholder; providing for filing of certain notice with lienholders; providing that the certificate of title shall be retained by certain persons; providing for recording of satisfaction of the lien; amending s. 319.27, F.S.; providing that the owner of a motor vehicle or mobile home may file a notice of lien on the motor vehicle or mobile home in favor of a person prior to the execution of a security agreement, a retain title contract, a conditional bill of sale, a chattel mortgage, or similar instrument; providing a procedure for determination of perfection of liens; providing for delivery of the original certificate under certain circumstances; providing an effective date.

By the Committee on Transportation and Senator Casas—

CS for SB 1007—A bill to be entitled An act relating to transportation; amending s. 337.26, F.S.; authorizing additional persons to sign instruments of sale, lease, or conveyance executed by the Department of Transportation; amending s. 337.401, F.S., which authorizes the department and local governments to regulate the placing of utilities along public roads; extending such authority to utilities placed along transportation facilities; revising the definition of the term "utility" for purposes of ss. 337.401-337.404, F.S.; authorizing the department to issue permits which provide for fees and other considerations for the use of railroad rights-of-way; providing an effective date.

By the Committees on Judiciary-Civil, Judiciary-Criminal and Senator Casas—

CS for CS for SB 1012—A bill to be entitled An act relating to forfeiture; amending ss. 316.193, 327.35, F.S.; directing the court to provide defendants with notice that any motor vehicle, vessel, or other vehicle used in the commission of a third or subsequent violation of certain laws relating to the operation of a vehicle or vessel while under the influence may result in forfeiture; providing for the effect of failure to provide notice; providing for the forfeiture of motor vehicles, vessels, or other vehicles under certain circumstances; providing an effective date.

By the Committee on Transportation and Senator Casas—

CS for SB 1014—A bill to be entitled An act relating to motor vehicles; amending s. 316.515, F.S.; excluding recreational vehicles from the category of straight trucks with respect to length limitations; providing for size limitations for private motor coaches; amending s. 320.01, F.S.; redefining the term "motor home" to provide limitations on the dimensions of such vehicles; defining the term "private motor coach"; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Forman—

CS for SB 1039—A bill to be entitled An act relating to state lands; providing that the Board of Trustees of the Internal Improvement Trust Fund may make certain grants to the South Florida Water Management District from the revenue received from certain agricultural leases; providing an effective date.

By the Committee on Regulated Industries and Senator McPherson—

CS for SB 1048—A bill to be entitled An act relating to horseracing; creating s. 550.65, F.S.; directing thoroughbred permitholders conducting

racing to withhold a certain portion from the total purse pool and to pay the same to a non-profit corporation; directing that such funds shall be used for a plan to provide medical, dental, surgical, life, funeral, and disability insurance benefits for occupational licensees who work on thoroughbred race tracks in the state; providing exceptions; providing for annual audits; specifying permissible costs; providing an effective date.

By the Committee on Governmental Operations and Senators Forman and Dudley—

CS for SB 1068—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; defining the term "design-build contract" and related terms; providing that the act does not apply to the procurement of design-build contracts by an agency; requiring preparation of a design criteria package by specified persons; requiring each agency to adopt rules or ordinances for the award of design-build contracts; specifying minimum procedures for municipalities, political subdivisions, school districts, and school boards; providing an effective date.

By the Committees on Transportation, Community Affairs and Senator Forman—

CS for CS for SB 1076—A bill to be entitled An act relating to parking facilities; requiring that every structure built after a certain date which utilizes covered or underground parking as the primary available parking be required to have a minimum height clearance requirement; providing an exemption from local ordinances; requiring the Department of General Services to examine the feasibility of constructing a handicapped parking facility near the Capitol; specifying priority of use; providing an effective date.

By the Committee on Higher Education and Senator Kirkpatrick—

CS for SB 1088—A bill to be entitled An act relating to community colleges; amending s. 240.35, F.S.; exempting Florida National Guard members enrolled in certain courses from payment of fees; providing for rules; providing an effective date.

By the Committee on Insurance and Senator Plummer—

CS for SB 1097—A bill to be entitled An act relating to motor vehicle insurance; amending s. 626.9541, F.S.; revising guidelines upon when an insured's premium may be increased or his policy not renewed as a result of the insured being involved in a motor vehicle accident; prohibiting an insurer from imposing an additional premium, canceling a policy, or issuing a nonrenewal notice as a result of a traffic infraction in specified circumstances; amending s. 627.736, F.S.; requiring personal injury protection to be in an amount of at least \$10,000; requiring insurers offering personal injury protection coverage to make available coverage in amounts equal to bodily injury liability limits, up to a specified amount; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Davis—

CS for SB 1121—A bill to be entitled An act relating to professional regulation; amending s. 458.311, F.S.; modifying education requirements for a restricted license to practice medicine; creating s. 463.0165, F.S.; providing for treatment programs for impaired practitioners; providing an exemption from public records law; providing for review and repeal; providing a penalty; amending s. 468.508, F.S.; providing that application fees under the Dietetics and Nutrition Practice Act are not refundable; amending s. 476.188, F.S.; providing for certain performance of barber services not in a registered barbershop; amending s. 476.192, F.S.; providing for a student enrollment records fee for schools of barbering; amending s. 477.0263, F.S.; providing for certain performance of cosmetology services not in a licensed salon; amending ss. 480.032, 480.033, 480.035, 480.041, 480.0415, 480.0425, 480.044, 480.046, 480.0465, 480.047, F.S.; modifying terminology under the Massage Practice Act; providing for continuing education by correspondence course; authorizing the Board of Massage to establish rules for the approval of continuing education programs and to establish provider application and renewal fees; providing grounds for disciplinary action against a massage establishment; providing penalties; amending s. 484.007, F.S.; modifying qualifications for the license examination in opticianry; providing continuing education requirements for registered apprentices in opticianry; authorizing the Board of Opticianry to establish an administrative processing fee; amending s. 484.0445, F.S.; revising examination requirements for hearing aid specialist trainees; amending s. 486.125, F.S.; providing grounds for disci-

plinary action under the Physical Therapy Practice Act; providing penalties; amending ss. 455.2227, 460.402, 486.161, F.S.; conforming terminology; requiring the Board of Hearing Aid Specialists to review certain rules; providing for review and repeal; providing an effective date.

By the Committee on Insurance and Senator Davis—

CS for SB 1131—A bill to be entitled An act relating to collateral sources of indemnity; amending s. 627.7372, F.S., relating to collateral sources of indemnity with respect to actions for personal injury or wrongful death arising out of the ownership, operation, use, or maintenance of a motor vehicle; providing exceptions; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Margolis—

CS for SB 1135—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; modifying exemptions; amending s. 489.105, F.S.; modifying definitions; amending s. 489.109, F.S., relating to voluntary inactive status; amending s. 489.113, F.S.; requiring licensure of certain contractors qualifying swimming pool companies, within a specified time period; amending s. 489.115, F.S., relating to certification and registration requirements; amending s. 489.129, F.S.; authorizing assessment of costs and interest relating to disciplinary proceedings; requiring payment of fines, costs, and interest prior to issuance or renewal of a certificate or registration; amending s. 489.131, F.S.; clarifying applicability; creating s. 489.132, F.S.; providing prohibited acts by unlicensed principals associated with a contracting firm; providing for investigation of violations; providing penalties; amending s. 489.133, F.S.; providing for certification of certain pollutant storage systems specialty contractors without examination; extending time period for use of temporary certificates; amending s. 489.507, F.S.; changing the composition of the Electrical Contractors' Licensing Board; amending s. 489.521, F.S.; deleting a reference to issuing a certificate without charge; continuing the existence of the Construction Complaints Study Committee; providing for review and repeal of sections added to ch. 489, part I, F.S.; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Weinstein—

CS for SB 1137—A bill to be entitled An act relating to health studios; amending s. 501.012, F.S., repealing subsections (2)-(13) thereof; creating ss. 501.0125, 501.013, 501.014, 501.015, 501.016, 501.017, 501.018, 501.019, F.S.; revising and restructuring provisions relating to the regulation of health studios; providing definitions; exempting certain businesses and activities; providing powers and duties of the Department of Agriculture and Consumer Services; providing registration, fee, and security requirements; specifying contractual provisions for the sale of services; providing requirements for change of ownership or location; providing penalties; providing applicability; providing an effective date.

By the Committee on Education and Senator Weinstein—

CS for SB 1139—A bill to be entitled An act relating to school buses; amending ss. 234.051, 316.615, F.S.; prohibiting the purchase of public or nonpublic school buses of more than a specified age for transportation of pupils; prohibiting the rental or lease of public or nonpublic school buses of more than a specified age for transportation of pupils; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Thurman—

CS for SB 1162—A bill to be entitled An act relating to commercial fishing operations; finding that local zoning and nuisance ordinances may close certain commercial fishing and recreational fishing operations; defining the term "commercial fishing operation"; prohibiting counties and municipalities from declaring such operations nuisances solely on certain grounds, from adopting ordinances that declare such operations nuisances, and from adopting zoning ordinances that unreasonably force such operations to close; providing exceptions; providing an effective date.

By the Committees on Judiciary-Civil, Community Affairs and Senator Thurman—

CS for CS for SB 1163—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S., relating to registry of disabled citizens for purposes of emergency evacuation; providing that the Department of Health and Rehabilitative Services shall assist local

emergency management agencies in the voluntary registration of disabled citizens; providing that, upon request of the director of a local emergency management agency, district school boards shall provide transportation and personnel services for emergency evacuations; providing that directors of local emergency management agencies shall coordinate all emergency evacuation efforts; providing certain immunity from liability; providing for confidentiality; establishing the Florida Task Force on Emergency Preparedness; directing the task force to submit recommendations to the Governor and the Legislature; providing for composition of the task force; providing an effective date.

By the Committee on Transportation and Senator Gardner—

CS for SB 1173—A bill to be entitled An act relating to airports; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; permitting expenditure of funds on road and rail transportation systems which are on airport property; amending s. 332.007, F.S.; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the nonfederal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; authorizing expenditure of funds for projects which provide public rail transit access; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the rate of participation by the department in the costs of eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 334.046, F.S.; revising department program objectives to include meeting capacity needs of the airport and aviation system; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund to pay for aviation projects; providing an effective date.

By the Committee on Transportation and Senator Kiser—

CS for SB 1174—A bill to be entitled An act relating to transportation finance and planning; creating s. 339.131, F.S.; prescribing a formula for the allocation of funds by the Department of Transportation to department districts in the 5-year transportation plan; providing exceptions; amending s. 339.135, F.S.; specifying, effective fiscal year 1992-1993, department funds which shall be distributed based on a needs assessment; providing an effective date.

By the Committee on Insurance and Senator Weinstein—

CS for SB 1177—A bill to be entitled An act relating to insurance; amending ss. 624.472, 624.474, F.S., relating to commercial self-insurers; providing limitations on liability for specified participants and providing for appropriate notice; amending s. 626.973, F.S.; revising state law relating to fictitious groups under the Florida Insurance Code to allow for group property or casualty insurance under certain circumstances; amending s. 626.8473, F.S.; providing criminal penalties for conversion or misappropriation of funds received or held in escrow or trust; amending s. 624.5015, F.S.; providing for administrative surcharges to be paid by title insurers; amending s. 626.8453, F.S.; incorporating an amendment to s. 624.5015, F.S., in a cross-reference to that section correcting an obsolete cross-reference; amending s. 626.8417, F.S.; providing bond and deposit requirements for title insurance agents; reenacting s. 626.8437(1), F.S.; incorporating an amendment to s. 626.8417, F.S., in a cross-reference to that section; amending s. 626.843, F.S.; providing additional requirements for the continuation of a title insurance agent's license; amending s. 627.781, F.S.; allowing the Department of Insurance to establish limitations on reasonable charges made in addition to the risk premium; amending s. 627.782, F.S.; requiring the department to make rules concerning the amount of the risk premium that the title insurer must maintain; amending s. 627.783, F.S.; allowing a title insurer or title insurance agent to petition for a specific deviation above certain reasonable charges; providing effective dates.

By the Committee on Natural Resources and Conservation; and Senator Gardner—

CS for SB 1207—A bill to be entitled An act relating to the Florida Youth Conservation Corps; amending s. 369.105, F.S.; providing for the

appointment of the director of the Office of Civilian Conservation; providing that certain persons are not employees of the state; creating a trust fund; providing for rules for expenditures; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Kirkpatrick—

CS for SB 1212—A bill to be entitled An act relating to medical practice; amending ss. 458.311, 458.313, F.S.; modifying provisions relating to the examinations of the Educational Commission for Foreign Medical Graduates; modifying provisions relating to licensure of physicians by examination and by endorsement; providing procedure when requirements are not met; providing an exemption for certain licenses issued by endorsement; amending s. 458.315, F.S.; prescribing fees for temporary certificates to practice in areas of critical need; amending s. 458.316, F.S.; prescribing fees for public health certificates; amending s. 458.3165, F.S.; prescribing qualifications for public psychiatry certificates; amending s. 458.331, F.S.; providing grounds for disciplinary action relating to the practice of medicine; amending s. 458.345, F.S.; providing for registration of certain fellows; providing a fee; providing qualifications; requiring employing hospitals to furnish certain information to the Department of Professional Regulation; limiting period of practice; providing a penalty; amending s. 458.347, F.S.; providing for certified physician assistants to prescribe medication; prohibiting dispensing by physician assistants; creating s. 459.0141, F.S.; prohibiting sexual misconduct in the practice of osteopathic medicine; amending s. 459.0155, F.S.; modifying provisions relating to impairment of an osteopathic physician; amending s. 459.016, F.S.; modifying provisions relating to report of disciplinary action against an osteopathic physician by a medical organization; amending s. 766.301, F.S.; declaring legislative intent that only obstetricians participate in the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.302, F.S.; redefining the term "birth-related neurological injury" to include injuries to certain infants; redefining the term "participating physician" to include only obstetricians; amending s. 766.309, F.S.; providing for notification by a deputy commissioner if he finds that an injury is not a birth-related neurological injury; providing that findings of deputy commissioners or appeals therefrom are binding on participating physicians; amending s. 766.31, F.S.; providing for partial awards when birth-related neurological injuries occur but obstetrical services are not delivered by participating physicians; amending s. 766.314, F.S.; deleting provisions relating to assessment of physicians other than participating physicians; amending s. 407.50, F.S., to correct a cross-reference; providing for review and repeal; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Woodson-Howard—

CS for SB 1229—A bill to be entitled An act relating to dependent children; creating the Florida Task Force on Dependency-Related Issues to make recommendations concerning the dependency system in the state; providing for membership and meetings of the task force; requiring a report; providing for administrative support; providing an appropriation; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Bruner—

CS for SB 1267—A bill to be entitled An act relating to Apalachicola Bay; amending s. 253.03, F.S.; authorizing the board of trustees to give away spoil material under certain conditions; amending s. 370.06, F.S.; supplying definitions; requiring an Apalachicola Bay oyster harvesting license to harvest oysters from the Apalachicola Bay; providing a prerequisite to receiving the license; providing license fees; providing for expenditure or distribution of the fees by the Department of Natural Resources; providing penalties; amending s. 370.07, F.S.; providing a definition of "bag"; requiring wholesale dealers to pay a surcharge on each bag of oysters taken from the Apalachicola Bay; providing for expenditure or distribution of the fees by the Department of Natural Resources; amending s. 370.16, F.S.; providing for monitoring of planting activities on shellfish grants or leaseholds; authorizing the issuance of aquaculture leases in Franklin County; providing aquaculture lease restrictions; directing the Marine Fisheries Commission to consider establishing a new shellfish harvesting season in the Apalachicola Bay; requiring the Department of Natural Resources to monitor the impacts of the new season; directing the Marine Fisheries Commission to consider restricting the number of days harvesting is allowed on shellfish grants or leaseholds; creating the Apalachicola Bay Conservation Trust Fund; identifying proceeds to be deposited into the fund; prohibiting future use of dredges or implements other than hand tongs for shellfish harvesting in all areas of

the Apalachicola Bay; establishing conditions of special activity licenses issued to harvest shellfish in the Apalachicola Bay by dredge or other mechanical means; providing for a study of the freshwater needs of the Apalachicola Bay; providing an appropriation; providing an effective date.

By the Committees on Community Affairs; Corrections, Probation and Parole; and Senators Plummer and Thurman—

CS for CS for SB's 1327 and 1098—A bill to be entitled An act relating to county prisoners; creating s. 951.28, F.S.; authorizing counties to seek reimbursement from county prisoners for certain expenses; requiring the sheriff to provide the county with certain information; requiring cooperation by the prisoner; authorizing investigations; authorizing civil actions by the county; providing venue; providing for use of reimbursements; providing an effective date.

By the Committee on Higher Education and Senator Stuart—

CS for SB 1343—A bill to be entitled An act relating to community colleges; amending s. 240.35, F.S.; authorizing community colleges to collect additional fees to establish a Student Transportation Trust Fund and a student transportation program; providing requirements with respect thereto; providing for review and repeal; providing an effective date.

By the Committee on Community Affairs and Senators Meek and Kiser—

CS for SB 1347—A bill to be entitled An act relating to growth management; requiring local governments to provide for urban service areas in their comprehensive plans; requiring the state land planning agency to establish guidelines for such plans by rule; providing criteria; requiring that such rules be reviewed by the Legislature prior to their taking effect; amending s. 163.3161, F.S.; providing legislative intent; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans, plan amendments, or land development regulations for certain municipalities and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and redevelopment amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for submission of land development regulations; providing additional requirements relating to land development regulations; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; limiting circumstances under which counties may impose impact fees for transportation purposes; requiring governmental entities to provide certain impact fee credits; amending s. 163.3204, F.S.; authorizing the Department of Community Affairs to contract with regional planning agencies to assume certain of its duties under the act and providing for objections by local governments; creating s. 163.3216, F.S.; authorizing certain local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review and annual reports; providing for appeals; authorizing the state land

planning agency to carry out sector planning demonstration projects; requiring a report; ratifying certain stipulated settlement agreements and providing application of the act concerning such agreements; making retroactive the application of deadlines for adopting local land development regulations and applying concurrency; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation Plan; providing for the adoption of such plan by rule; providing requirements for the plan; amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum; amending s. 336.025, F.S.; authorizing an increase in the local option gas tax; requiring the Department of Transportation to adopt rules establishing level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; requiring the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, to analyze local government funding and taxpayer burden; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Thurman—

CS for SB 1355—A bill to be entitled An act relating to utilities; creating the "Underground Utility Excavation Damage Prevention and Safety Act"; creating the Underground Utility Excavation Damage Prevention Direct Support Organization; providing legislative intent; providing definitions; providing organization membership; providing powers and duties of the organization; providing for the establishment of a utility one-call notification center through which excavators can communicate plans to utility operators within a described time schedule; providing procedures; providing for liability of the operator and the excavator; providing penalties; providing an exception for emergency excavations under certain circumstances; providing for the applicability of the act to existing law; providing for future review and repeal; providing an effective date.

By the Committee on Education and Senator Walker—

CS for SB 1361—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; defining the term "homeless child"; amending s. 232.01, F.S.; requiring admission of homeless children to public schools; prescribing duties of school districts with respect to homeless children; amending s. 228.121, F.S.; prohibiting charging tuition to homeless children; amending s. 228.0617, F.S.; revising the purpose of the school-age child care incentives program; revising provisions relating to submission of proposals for school-age child care incentives programs; revising requirements for approval of proposals and funding priority; providing for the award of grants; revising provisions for operation of a statewide clearinghouse; revising membership and duties of the school-age child care advisory council; requiring an annual report; providing for rules; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senators Bankhead and Stuart—

CS for SB 1363—A bill to be entitled An act relating to repossession of property; amending s. 493.30, F.S.; defining the term "repossession"; amending s. 493.306, F.S.; limiting the number of repossession interns a repossessioner may supervise; amending s. 493.317, F.S.; revising prohibited acts; creating s. 493.3175, F.S.; providing procedures for the sale of repossessed property; providing a penalty; amending s. 493.318, F.S.; providing procedures for the disposition of certain recovered property not covered by a security agreement; amending s. 493.321, F.S.; providing penalties; requiring certain information to be displayed on certain vehicles; providing for review and repeal; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Weinstock—

CS for SB 1367—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 381.0615, F.S.; expanding outcome evaluation in the department which is presently

applicable to the Children, Youth, and Families Program Office; requiring the department to establish a system of outcome evaluation of services provided by the Aging and Adult Services Program Office, the Alcohol, Drug Abuse, and Mental Health Program Office, the Children's Medical Services Program Office, the Developmental Services Program Office, the Economic Services Program Office, and the State Health Office, as well as the Children, Youth, and Families Program Office; providing for periodic reports by such offices and by the department; providing for updates by the department; providing for periodic evaluations and reports by the Inspector General of the department; providing an effective date.

By the Committee on Transportation and Senator Langley—

CS for SB 1368—A bill to be entitled An act relating to expressway authorities; amending s. 348.957, F.S.; specifying purposes for which the Seminole County Expressway Authority may acquire private or public property and property rights; providing that the authority may acquire an entire lot, block, or tract of land if the cost of such acquisition will be equal to or less than acquiring a portion of the property; providing a legislative finding of public purpose regarding such acquisition; exempting the authority from liability for preexisting soil or groundwater contamination in property acquired by the authority; authorizing the authority to enter into interagency agreements with the Department of Environmental Regulation for certain purposes; amending s. 348.759, F.S.; specifying purposes for which the Orlando-Orange County Expressway Authority may acquire private or public property and property rights; providing that the authority may acquire an entire lot, block, or tract of land if the cost of such acquisition will be equal to or less than acquiring a portion of the property; providing a legislative finding of public purpose regarding such acquisition; exempting the authority from liability for preexisting soil or groundwater contamination in property acquired by the authority; authorizing the authority to enter into interagency agreements with the Department of Environmental Regulation for certain purposes; providing an effective date.

By the Committee on Appropriations and Senators Peterson, Stuart and Kirkpatrick—

CS for SB 1380—A bill to be entitled An act relating to postsecondary education; requiring each president of a community college and each president of a state university to submit to the State Board of Community Colleges and the Board of Regents, respectively, proposals to enhance undergraduate education; requiring each board to select proposals for funding; requiring each community college and each state university to annually file a report on the effectiveness of funded proposals with the State Board of Community Colleges and the Board of Regents, respectively; providing for requests for funding proposals; providing an effective date.

By the Committees on Judiciary-Civil, Community Affairs and Senator Meek—

CS for CS for SB 1382—A bill to be entitled An act relating to local government; amending s. 162.02, F.S.; providing that any codes and ordinances may be enforced by local government code enforcement boards under the Local Government Code Enforcement Boards Act; amending s. 162.03, F.S.; providing that counties and municipalities may adopt alternative code enforcement systems using special masters; amending s. 162.04, F.S.; defining "repeat violation"; amending s. 162.05, F.S.; revising provisions relating to size and membership of code enforcement boards; amending s. 162.06, F.S.; providing authority of the code inspector and enforcement boards with respect to repeat violations; amending s. 162.07, F.S., relating to hearings, to conform; providing that certain board orders may be filed in the public records of the county and specifying effect thereof; amending s. 162.08, F.S.; revising provisions relating to subpoena powers of boards; amending s. 162.09, F.S.; providing for fines for repeat violations; authorizing boards to reduce fines; revising provisions relating to enforcement of liens for fines imposed; providing duration of fines; revising the time period after which foreclosure is authorized; amending s. 162.10, F.S.; extending the duration of liens; providing for recovery of costs and attorney's fees by the prevailing party in actions to foreclose; amending s. 162.12, F.S.; revising provisions relating to delivery of notice; creating s. 162.21, F.S.; authorizing counties and municipalities to designate code enforcement officers to enforce codes or ordinances; authorizing such officers to issue citations for violations and providing requirements with respect thereto; specifying effect of failure to pay a civil penalty or contest a citation; providing requirements, including penalty requirements, regarding codes and ordinances to be enforced under said

section; providing a penalty for refusal to accept a citation; amending s. 125.69, F.S., and creating s. 166.0415, F.S.; authorizing boards of county commissioners and governing bodies of municipalities to designate code inspectors; providing for issuance of citations for violations of county or municipal codes; limiting duties of such code inspectors; providing exemptions from certain requirements; amending s. 403.413, F.S.; providing duties of local governing bodies with respect to designation of employees to enforce the Florida Litter Law; providing that county and municipal employees whose duty it is to ensure code compliance or enforcement may enforce the Florida Litter Law, with certain restrictions; amending s. 705.101, relating to abandoned property, to conform; creating s. 705.1015, F.S.; providing that county and municipal employees whose duty it is to ensure code compliance or enforcement may administer provisions relating to lost or abandoned property, with certain restrictions; amending s. 823.11, F.S.; authorizing the Department of Natural Resources to delegate to a county or municipality its powers relating to abandoned or derelict vessels; amending ss. 933.20, 933.22, 933.26, F.S.; revising provisions which authorize the issuance of inspection warrants with respect to specified violations to include violations of additional county and municipal codes; revising provisions which specify when cause is deemed to exist; providing an effective date.

By the Committee on Higher Education and Senators Scott, McPherson and Weinstein—

CS for SB 1388—A bill to be entitled An act relating to postsecondary education; establishing a branch campus of Florida Atlantic University in Broward County to be known as the Southeast Campus; requiring the Board of Regents to take necessary actions for the establishment of the Southeast Campus; requiring the City of Davie and the Board of County Commissioners of Broward County to cooperate in the establishment of the Southeast Campus; authorizing Florida Atlantic University to contract with Broward Community College and Florida International University to provide instruction at the Southeast Campus; requiring the Postsecondary Education Planning Commission and the Board of Regents to evaluate undergraduate programs in Broward County; requiring the Board of Regents to make recommendations concerning the need for a 4-year public university in Broward County; requiring a timetable for legislative action on the plan; providing an effective date.

By the Committee on Judiciary-Civil and Senator Johnson—

CS for SB 1419—A bill to be entitled An act relating to trusts; amending s. 737.303, F.S.; providing circumstances under which a trustee may provide information to certain persons; providing definitions; providing restrictions; providing an effective date.

By the Committee on Governmental Operations and Senator Crenshaw—

CS for SB 1424—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.20, F.S.; revising a definition; creating s. 413.614, F.S.; creating the "Florida Endowment for Employment and Training of Disabled Citizens Act"; providing definitions and legislative intent; establishing the Florida Endowment Fund for Disabled Citizen Rehabilitation as an endowment fund to be administered by the board of directors of the Vocational Rehabilitation Foundation in accordance with rules of the Division of Vocational Rehabilitation; creating the foundation as a direct-support organization of the division and providing for funding; requiring a contract between the division and the foundation; providing for audit; providing for membership and powers and duties of the board of directors, including establishment of an operating fund; providing for uses of the operating fund and distribution of endowment earnings; providing for an annual report; providing rulemaking authority; amending s. 318.18, F.S.; providing an additional monetary penalty for certain moving violations and providing for allocation thereof; providing for the confidentiality of certain records; providing for future review of public records exemptions in accordance with s. 119.14, F.S.; providing an effective date.

By the Committee on Health Care and Senators Malchon and Grant—

CS for SB 1428—A bill to be entitled An act relating to trauma care; amending s. 119.07, F.S.; providing an exemption from public disclosure requirements for certain patient records obtained by the Department of Health and Rehabilitative Services; amending s. 395.017, F.S.; providing conforming language; providing additional circumstances under which patient records may be disclosed; creating s. 395.0175, F.S.; requiring the department to investigate certain complaints against hospitals; providing for information pursuant to such investigations to remain confidential for

a specified period of time; providing for review of such provision pursuant to the Open Government Sunset Review Act; amending s. 395.031, F.S.; revising definitions relating to the regulation of trauma services by the department; deleting provisions authorizing the department to delegate certain verification processes to local or regional trauma agencies; providing conforming language; amending s. 395.032, F.S.; authorizing the department to establish a state trauma system plan; revising requirements relating to regional trauma planning by the department; requiring the department to consider local or regional trauma system plans in developing the state plan; creating s. 395.033, F.S.; providing for interim funding for verified level I and II trauma centers by the department; providing requirements for receiving such funds; providing for moneys to be appropriated to hospitals which provide a disproportionate share of trauma services for Medicaid and charity patients; providing a formula for calculating such appropriations; requiring the department to prepare a report and proposal for funding trauma centers; creating the Committee on State-Sponsored Trauma Centers; providing membership for and direction to the committee; authorizing the department to adopt rules relating to trauma care; amending s. 401.101, F.S.; revising a short title; amending s. 401.107, F.S.; defining the term "emergency medical services organizations"; amending s. 401.111, F.S.; authorizing the department to make grants to such organizations; amending s. 401.113, F.S.; revising provisions authorizing the disbursement of moneys in the Emergency Medical Services Trust Fund for the purpose of making matching grants; amending s. 401.211, F.S.; deleting language specifying that it is the intent of the Legislature that the department contract with the Department of Professional Regulation for certain services; amending s. 401.245, F.S.; removing the representative of the Department of Professional Regulation as an ex officio member of the Emergency Medical Services Advisory Council; amending s. 401.25, F.S.; revising requirements for licensure as a basic life support or an advanced life support ground service; amending s. 401.265, F.S.; providing for quality assurance review of emergency medical technicians and paramedics; requiring a medical director to report disciplinary concern regarding an emergency medical technician or paramedic rather than his alleged incompetency to the department; creating s. 401.425, F.S.; providing immunity from liability for a medical director and emergency medical review committee personnel under certain circumstances; providing that certain records relating to quality assurance activities are not subject to discovery and may not be introduced into evidence in certain civil actions; providing for certain reports or documentation to remain confidential for a specified period of time; providing for review of such provision pursuant to the Open Government Sunset Review Act; creating s. 401.445, F.S.; providing immunity from liability for the emergency examination and treatment of incapacitated persons under certain circumstances; amending s. 409.266, F.S.; increasing the payments for certain trauma services provided for Medicaid recipients; amending s. 458.331, F.S.; providing additional grounds for disciplinary action against persons licensed under ch. 458, F.S.; providing an appropriation for a specified purpose; creating regional poison control centers; providing for future review and repeal of s. 395.033, F.S.; providing an effective date.

By the Committee on Judiciary-Civil and Senator Weinstein—

CS for SB 1451—A bill to be entitled An act relating to protection from abuse and neglect; creating s. 415.5085, F.S.; providing for the appointment of guardians advocate for drug dependent newborn infants; providing procedure; providing duties of guardians; providing for review; providing for reimbursement; amending s. 415.503, F.S.; providing a definition; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Winstock, Weinstein, Ros-Lehtinen and Woodson-Howard—

CS for SB 1462—A bill to be entitled An act relating to children and families in need of services; amending s. 39.001, F.S.; providing that the Department of Health and Rehabilitative Services may contract for programs for children, youths, and their families; providing standards which must be met by caregivers; amending s. 39.01, F.S.; redefining the terms "child in need of services" and "family in need of services"; amending s. 39.424, F.S.; providing for voluntary services and protective supervision services to families in need of services; amending s. 39.434, F.S.; requiring the department to advise the parents or legal custodians in a family in need of services of their duty to pay costs of family arbitration and directing the department to set and charge fees therefor; amending s. 39.443, F.S.; providing for maintenance of records by courts and for their confidentiality; amending s. 827.04, F.S.; redefining the offense of child abuse to include causing or tending to cause a child to become a child in need of services; providing a penalty; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote HB 332 was withdrawn from the Committee on Insurance.

On motions by Senator Scott, by two-thirds vote SB 1347 was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations and rereferred to the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Appropriations.

On motions by Senator Scott, by two-thirds vote CS for SB's 132, 140 and 150 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Margolis, by two-thirds vote CS for SB 406, CS for SB 433, CS for SB 517, CS for SB 1127, CS for SB 1455, Senate Bills 536, 840, 989, 1114, 1211 and 1410 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote CS for SB 1295 was removed from the calendar and referred to the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote CS for SB 1373 was also referred to the Committee on Appropriations.

On motion by Senator Kirkpatrick, by two-thirds vote Senate Bills 1401 and 293 were withdrawn from the committees of reference and indefinitely postponed.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 98, 213, 524 and 1087 which he approved on May 22, 1989.

The Governor advised that he had filed with the Secretary of State CS for SB 107 which he approved on May 23, 1989.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES**First Reading**

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 221, CS for HB 1022; has passed as amended HB 580 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Small Business and Economic Development; and Representatives Canady and Young—

CS for HB 221—A bill to be entitled An act relating to commercial discrimination; amending s. 540.11, F.S.; providing definitions; prohibiting certain acts with respect to recorded sounds or performances; providing enhanced penalties for certain violations; providing exceptions; providing an effective date.

(Substituted for CS for SB 250 on the special order calendar this day.)

By the Committee on Highway Safety and Construction; and Representatives Peeples and Smith—

CS for HB 1022—A bill to be entitled An act relating to motor racing events; amending s. 549.08, F.S.; providing conditions for the issuance of a permit to conduct a racing event on lands leased from the state; providing an effective date.

(Substituted for CS for SB 682 on the special order calendar this day.)

By Representative Smith and others—

HB 580—A bill to be entitled An act relating to agricultural regulation; amending s. 580.061, F.S.; clarifying provisions relating to inspection fees, payment of such fees, and exemptions from such fees; amending s. 580.091, F.S.; correcting cross references; amending s. 501.90, F.S.; increasing license fees for fence post processors and dealers; continuing s. 501.90, F.S., the Florida Treated Fence Post Act, regulating the treatment of fence posts with preservatives and the sale of treated fence posts, notwithstanding its scheduled repeal by the Regulatory Sunset Act effective October 1, 1989; repealing said section October 1, 1999, and providing for legislative review of said section prior to that date; providing an effective date.

(Substituted for CS for SB 540 on the special order calendar this day.)

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 81 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 81—A bill to be entitled An act relating to economic development agencies; amending s. 288.075, F.S.; continuing the exemption of certain agency records from the public records requirements of s. 119.07, F.S.; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert: Section 1. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (2) of section 288.075, Florida Statutes, is reenacted and amended to read:

288.075 Confidentiality of records.—

(2) Upon written request from a private corporation, partnership, or person, information, records, reports, data, and documents of an economic development agency which contain or would provide information concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its manufacturing or other business activities in this state shall be privileged and confidential and shall not be published or open to public inspection and shall be exempt from the provisions of s. 119.07(1) for 24 months from the date an economic development agency receives a request for confidentiality or until disclosed by an economic development agency or a party requesting confidentiality under this section. Confidentiality shall be maintained until the expiration of the 24-month period or until documents or information are disclosed, whichever occurs first. This privilege and confidentiality shall not apply when any party petitions a court of competent jurisdiction and, in the opinion of the court, proves need for access only apply for a period not to exceed 24 months from the date an initial inquiry is received by the economic development agency, except upon petition by any party to a court of competent jurisdiction and upon determination by the court that the petitioner has proven, in the opinion of the court, need for access to such documents. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. Paragraph (1) of subsection (3) of section 125.0104, Florida Statutes, 1988 Supplement, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(1) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility. The provisions of paragraphs (4)(a) through (d) shall not apply to the adoption of the additional tax authorized in this paragraph.

Section 3. Subsection (6) is added to section 288.1162, Florida Statutes, 1988 Supplement, to read:

288.1162 Professional sports franchises; duty of Department of Commerce; procedure.—

(6) For any county which imposes a tax under the authority of s. 125.0104(3)(1), the provisions of this section, s. 288.1161, and ss. 288.1164-288.1167 shall not apply, unless such county also applies for funding in the form of direct state aid pursuant to this section.

Section 4. Section 288.1163, Florida Statutes, 1988 Supplement, is amended to read:

288.1163 Professional sports franchise facility; county may impose tourist development tax for payment of debt service on bonds.—In any county in which a professional sports franchise is to be located pursuant to this act, the county may impose a tourist development tax pursuant to s. 125.0104 to pay the debt service on any bonds which the applicant unit

of local government issues to finance the construction, reconstruction, or renovation of a professional sports franchise facility. If the applicant unit of local government is not the county, the applicant unit of local government and the county shall enter into an interlocal agreement for the imposition of the tax on a less-than-countywide basis in the manner prescribed in s. 125.0104(3).

Section 5. This act shall take effect October 1, 1989.

Amendment 2—Strike the title and insert: An act relating to economic development agencies; amending s. 288.075, F.S., which provides an exemption from public records requirements for certain information received by such agencies regarding proposed manufacturing or business activities; revising the period during which such exemption applies; saving such exemption from repeal; providing for future review and repeal; amending s. 125.0104, F.S., 1988 Supplement, which provides procedures for levying tourist development taxes; amending s. 288.1162, 1988 Supplement, relating to duties and procedures of the Department of Commerce regarding sports franchises; amending s. 288.1163, F.S., 1988 Supplement, relating to county imposition of tourist development tax regarding professional sports franchise facility; providing an effective date.

On motions by Senator D. Childers, the Senate concurred in the House amendments.

SB 81 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 354 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 354—A bill to be entitled An act relating to forfeiture of contraband; requiring state and local law enforcement agencies seizing property under the Florida Contraband Forfeiture Act to adopt policies and procedures by a certain date to provide for fair and uniform implementation of that act; providing an effective date.

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (2) of section 932.701, Florida Statutes, is amended, and paragraph (f) is added to said subsection, to read:

932.701 Short title; definition of "contraband article".—

(1) Sections 932.701-932.704 shall be known and may be cited as the "Florida Contraband Forfeiture Act."

(2) As used in ss. 932.701-932.704, "contraband article" means:

(e) Any personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which has been or is actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

(f) Any real property or any interest in real property which has been or is being employed as an instrumentality in the commission of, or in

aiding or abetting in the commission of, any felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

Section 2. Section 932.702, Florida Statutes, is amended to read:

932.702 Unlawful to transport, conceal, or possess contraband articles or to acquire real or personal property with contraband proceeds; use of vessel, motor vehicle, or aircraft, or real property.—It is unlawful:

(1) To transport, carry, or convey any contraband article in, upon, or by means of any vessel, motor vehicle, or aircraft.

(2) To conceal or possess any contraband article in or upon any vessel, motor vehicle, or aircraft, or real property.

(3) To use any vessel, motor vehicle, or aircraft, or real property to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article.

(4) To conceal or possess any contraband article.

(5) To acquire real or personal property by the use of proceeds obtained in violation of the Florida Contraband Forfeiture Act.

Section 3. Subsection (1) of section 932.703, Florida Statutes, is amended to read:

932.703 Forfeiture of vessel, motor vehicle, aircraft, other personal property, real property, or contraband article; exceptions.—

(1) Any vessel, motor vehicle, or aircraft, any and other personal property, and any real property which has been or is being used in violation of any provision of s. 932.702, or in, upon, or by means of which any violation of that section has taken or is taking place, as well as any contraband article involved in the violation, may be seized and shall be forfeited subject to the provisions of this act. All rights and interest in and title to contraband articles or contraband property used in violation of s. 932.702 shall immediately vest in the state upon seizure by a law enforcement agency, subject only to perfection of title, rights, and interests in accordance with this act. Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this act; however, such action may be maintained if forfeiture proceedings are not initiated within 90 days after the date of seizure. In any incident in which possession of any contraband article defined in s. 932.701(2)(a)-(d) constitutes a felony, the vessel, motor vehicle, aircraft, or personal property, or real property in or on which such contraband article is located at the time of seizure shall be contraband subject to forfeiture. It shall be presumed in the manner provided in s. 90.302(2) that the vessel, motor vehicle, aircraft, or personal property, or real property in or on which such contraband article is located at the time of seizure is being used or was intended to be used in a manner to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of a contraband article defined in s. 932.701(2)(a)-(d). If any of the property described in this subsection:

(a) Cannot be located;

(b) Has been transferred to, sold to, or deposited with, a third party;

(c) Has been placed beyond the jurisdiction of the court;

(d) Has been substantially diminished in value by any act or omission of the defendant; or

(e) Has been commingled with any property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property subject to forfeiture under this section.

(2) No property shall be forfeited under the provisions of ss. 932.701-932.704 if the owner of such property establishes that he neither knew, nor should have known after a reasonable inquiry, that such property was being employed or was likely to be employed in criminal activity. Property titled or registered jointly between husband and wife by use of the conjunctives "and," "and/or," or "or" shall not be forfeited if the owner establishes that he neither knew, nor should have known after a reasonable inquiry, that such property was employed or was likely to be employed in criminal activity.

(3) No bona fide lienholder's interest shall be forfeited under the provisions of ss. 932.701-932.704 if such lienholder establishes that he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in criminal activity; that such use was without his consent, express or implied; and that the lien had been perfected in the manner prescribed by law prior to such seizure. If it appears to the satisfaction of the court that a lienholder's interest satisfies the above requirements for exemption, such lienholder's interest shall be preserved by the court by ordering the lienholder's interest to be paid from such proceeds of the sale as provided in s. 932.704(3)(a).

Section 4. Subsection (1) of section 932.704, Florida Statutes, is amended to read:

932.704 Forfeiture proceedings.—

(1) The state attorney within whose jurisdiction the contraband article, vessel, motor vehicle, aircraft, ~~or~~ other personal property, or real property or interest in real property has been seized because of its use or attempted use in violation of any provisions of law dealing with contraband, or such attorney as may be employed by the seizing agency, shall promptly proceed against the contraband article, vessel, motor vehicle, aircraft, ~~or~~ other personal property, or real property or interest in real property by rule to show cause in the circuit court within the jurisdiction in which the seizure or the offense occurred and may have such contraband article, vessel, motor vehicle, aircraft, ~~or~~ other personal property, or real property or interest in real property forfeited to the use of, or to be sold by, the law enforcement agency making the seizure, upon producing due proof that the contraband article, vessel, motor vehicle, aircraft, ~~or~~ other personal property, or real property or interest in real property was being used in violation of the provisions of this act. The final order of forfeiture by the court shall perfect in the law enforcement agency right, title, and interest in and to such property and shall relate back to the date of seizure.

Section 5. Subsections (2) and (3) of section 893.12, Florida Statutes, are amended to read:

893.12 Contraband; seizure, forfeiture, sale.—

(1) All substances controlled by this chapter which may be handled, delivered, possessed, or distributed contrary to any provisions of this chapter and all such controlled substances the lawful possession of which is not established or the title to which cannot be ascertained are declared to be contraband, shall be subject to seizure and confiscation by any person whose duty it is to enforce the provisions of the chapter, and shall be disposed of as follows:

(a) Except as in this section otherwise provided, the court having jurisdiction shall order such controlled substances forfeited and destroyed. A record of the place where said controlled substances were seized, of the kinds and quantities of controlled substances destroyed, and of the time, place, and manner of destruction shall be kept, and a return under oath reporting said destruction shall be made to the court or magistrate and to the United States Drug Enforcement Administration by the officer who destroys them.

(b) Upon written application by the Department of Health and Rehabilitative Services, the court by whom the forfeiture of such controlled substances has been decreed may order the delivery of any of them to said department for distribution or destruction as hereinafter provided.

(c) Upon application by any hospital or laboratory within the state not operated for private gain, the department may, in its discretion, deliver any controlled substances that have come into its custody by authority of this section to the applicant for medical use. The department may from time to time deliver excess stocks of such controlled substances to the United States Drug Enforcement Administration or destroy same.

(d) The department shall keep a full and complete record of all controlled substances received and of all controlled substances disposed of, showing:

1. The exact kinds, quantities, and forms of such controlled substances;
2. The persons from whom received and to whom delivered;
3. By whose authority received, delivered, and destroyed; and
4. The dates of the receipt, disposal, or destruction,

which record shall be open to inspection by all persons charged with the enforcement of federal and state drug abuse laws.

(2)(a) Any vessel, vehicle, aircraft, or drug paraphernalia as defined in s. 893.145 which has been or is being used in violation of any provision of this chapter or in, upon, or by means of which any violation of this chapter has taken or is taking place may be seized and forfeited as provided by the Florida Contraband Forfeiture Act.

(b) All real property, including any right, title, leasehold interest, and other interest in the whole of any lot or tract of land and any appurtenances or improvements, which real property is used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, or which real property is acquired with proceeds obtained as a result of, a violation of any provision of this chapter related to a controlled substance described in s. 893.03(1) or (2) may be seized and forfeited as provided by the Florida Contraband Forfeiture Act except that no property shall be forfeited under this paragraph to the extent of an interest of an owner or lienholder by reason of any act or omission established by that owner or lienholder to have been committed or omitted without the knowledge or consent of that owner or lienholder.

(c) All moneys, negotiable instruments, securities, and other things of value furnished or intended to be furnished by any person in exchange for a controlled substance described in s. 893.03(1) or (2) in violation of any provision of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of any provision of this chapter or which are acquired with proceeds obtained in violation of any provision of this chapter may be seized and forfeited as provided by the Florida Contraband Forfeiture Act, except that no property shall be forfeited under this paragraph to the extent of an interest of an owner or lienholder by reason of any act or omission established by that owner or lienholder to have been committed or omitted without the knowledge or consent of that owner or lienholder.

(d) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, or which are acquired with proceeds obtained, in violation of any provision of this chapter related to a controlled substance described in s. 893.03(1) or (2) may be seized and forfeited as provided by the Florida Contraband Forfeiture Act.

(e) If any of the property described in this subsection:

1. Cannot be located;
2. Has been transferred to, sold to, or deposited with, a third party;
3. Has been placed beyond the jurisdiction of the court;
4. Has been substantially diminished in value by any act or omission of the defendant; or
5. Has been commingled with any property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property subject to forfeiture under this subsection.

(3) Any law enforcement agency is empowered to authorize or designate officers, agents, or other persons to carry out the seizure provisions of this section. It shall be the duty of any officer, agent, or other person so authorized or designated, or authorized by law, whenever he shall discover any vessel, vehicle, ~~or~~ aircraft, real property or interest in real property, money, negotiable instrument, security, book, record, or research which has been or is being used or intended to be used, or which is acquired with proceeds obtained, in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place, to seize such vessel, vehicle, ~~or~~ aircraft, real property or interest in real property, money, negotiable instrument, security, book, record, or research and place it in the custody of such person as may be authorized or designated for that purpose by the respective law enforcement agency pursuant to these provisions.

(4) The rights of any bona fide holder of a duly recorded mortgage or duly recorded vendor's privilege on the property seized under this chapter shall not be affected by the seizure.

Section 6. *Effective upon becoming a law, each state or local law enforcement agency which seizes property for the purpose of forfeiture under the Florida Contraband Forfeiture Act, sections 932.701-932.705, Florida Statutes, must adopt by October 1, 1989, policies which are in compliance with or which substantially comply with the Model Policy For Forfeiture Of Assets By Law Enforcement Agencies, published by the Florida Police Chiefs Association, the Florida Sheriffs Association, and the Florida Department of Law Enforcement on March 3, 1989. However, a state or local law enforcement agency may adopt policies that are more restrictive on the agency than those contained in such model policy and that fairly and uniformly implement the provisions of the Florida Contraband Forfeiture Act.*

Section 7. Except as otherwise specifically provided herein, this act shall take effect October 1, 1989.

Amendment 2—On page 1 in the title, lines 1-8, strike all of said lines and insert: A bill to be entitled An act relating to contraband forfeiture; amending ss. 932.701, 932.702, 932.703, 932.704, and 893.12, F.S.; adding items to the personal property which may be seized and forfeited as contraband and adding real property interests; authorizing seizure of real and personal property acquired with contraband proceeds; providing for forfeiture of substitute property in certain circumstances; requiring state and local law enforcement agencies seizing property under the Florida Contraband Forfeiture Act to adopt policies and procedures by a certain date to provide for fair and uniform implementation of that act; providing effective dates.

On motions by Senator Beard, the Senate concurred in the House amendments.

SB 354 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 92 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 92—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; abolishing the Medicaid Advisory Council; reviving and readopting s. 20.19(5)(d), F.S.; notwithstanding its scheduled repeal under the Sundown Act; providing an effective date.

Amendment 1—On page 1, line 11, strike everything after the enactment clause and insert:

Section 1. Paragraph (d) of subsection (5) of section 20.19, Florida Statutes, 1988 Supplement, is amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(5) **DEPUTY SECRETARY FOR PROGRAMS.**—The secretary shall appoint a Deputy Secretary for Programs who shall serve at the pleasure of, and be directly responsible to, the secretary. The secretary shall appoint a Deputy Assistant Secretary for Programs, an Assistant Secretary for Regulation and Health Facilities, and an Assistant Secretary for Medicaid, each of whom shall serve at the pleasure of the secretary and shall be directly responsible to the Deputy Secretary for Programs.

(d) The responsibilities of the Assistant Secretary for Medicaid shall encompass all Medicaid planning and development functions, including, but not limited to, policy and program development, program monitoring, provider relations, interprogram planning, and program surveillance and utilization review.

(e) ~~In addition,~~ The secretary shall appoint a Medicaid Advisory Council in accordance with the provisions of federal regulations relating to Medicaid and with those provisions relating to program office advisory councils which are not in conflict with the regulations. *The purpose of the council is to advise the Assistant Secretary for Medicaid concerning policies, priorities, goals, and objectives of the Medicaid program.*

1. *The council membership shall include:*

a. *Board-certified physicians and other representatives of the health profession who are familiar with the medical needs of low-income population groups and with the resources available and required for their care.*

b. *Members of consumers' groups, including Medicaid recipients and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others.*

c. *The director of the Economic Services Program Office of the department.*

2. *Members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.*

3. *Members shall receive no compensation, but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061.*

4. *The responsibilities of the council shall be to identify problems related to the Medicaid delivery system from both the recipient's and the provider's perspectives and make recommendations to the Assistant Secretary for Medicaid on the resolution of such problems.*

5. *The Medicaid Advisory Council shall meet at the call of its chairman, at the request of a majority of its members, or at the call of the Assistant Secretary for Medicaid, but no more frequently than quarterly. Any member failing to attend three consecutive meetings without cause shall be removed from the council by the Secretary of Health and Rehabilitative Services. Minutes shall be recorded for all meetings of such council and shall be kept on file in the Medicaid office and made available to any interested parties.*

Section 2. *Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, section 20.19(5)(d), Florida Statutes, shall not stand repealed on October 1, 1989, and shall continue in full force and effect as amended herein.*

Section 3. *Section 20.19(5)(e), Florida Statutes, is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 4. This act shall take effect October 1, 1989.

Amendment 2—In title, on page 1, strike lines 2-7 and insert: An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; revising provisions relating to the Medicaid Advisory Council; providing for purpose, responsibilities, members, terms, meetings, and minutes; saving s. 20.19(5)(d), F.S., from Sundown repeal; providing for future review and repeal of s. 20.19(5)(e), F.S.; providing an effective date.

Senator Malchon moved the following amendment to House Amendment 1 which was adopted:

Amendment 1—On page 3, between lines 20 and 21, insert:

Section 4. Section 46 of chapter 88-294, Laws of Florida, is amended to read:

Section 46. Notwithstanding the provisions of section 50 of chapter 87-92, Laws of Florida, s. 409.266(7)(k), Florida Statutes, relating to the Medicaid medically needy program, shall not stand repealed on October 1, 1988, as scheduled by such act, but shall continue in full force and effect ~~as amended herein until October 1, 1989, at which time s. 409.266(7)(k), Florida Statutes, shall stand repealed unless reenacted by the Legislature.~~

(Renumber subsequent section.)

Senator Malchon moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title, on page 1, line 19, after the semicolon (;) insert: eliminating Sunset repeal of s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program;

On motions by Senator Malchon, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 92 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1, has amended Senate Amendments 2 and 3, concurred in same as amended, passed HB 1114 as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1114—A bill to be entitled An act relating to lawful uses of firearms; amending s. 790.25, F.S.; providing that public defender investigators may possess and use firearms while carrying out official duties outside the circuits in which they are employed; providing an effective date.

House Amendment 1 to Senate Amendment 2—On page 1, line 2, before the period, insert: , when within a one mile radius of a courthouse

House Amendment 1 to Senate Amendment 3—On page 1, line 1, after "use" insert: , in certain circumstances,

On motions by Senator Langley, the Senate refused to concur in the House amendments to the Senate amendments and the House was requested to recede. The action of the Senate was certified to the House.

Motion

Senator Gordon moved that CS for CS for HB 855, in Messages from the House of Representatives, be taken up instantan.

Point of Order

Senator Kiser raised a point of order that unanimous consent of the Senate would be required to take up CS for CS for HB 855 instantan.

The President appointed Senators Scott, W. D. Childers and Walker as a committee to make a recommendation on the point of order to the Senate.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 1173 and HB 1486.

John B. Phelps, Clerk

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 38, CS for CS for SB 196, Senate Bills 243, 472, CS for SB 500, CS for SB 612, CS for SB 651, Senate Bills 665, 704, 788, 904, 1083, 1379 and 1384.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

LOCAL CALENDAR

On motion by Senator Johnson, consideration of **SB 737** was deferred.

SB 1482—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; repealing chapter 86-358, Laws of Florida, relating to the existing definition of the corporate limits of the City of Coconut Creek; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 14, line 8, strike "October 1, 1989." and insert: upon becoming a law.

On motion by Senator McPherson, by two-thirds vote SB 1482 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1484—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; amending section 5 of chapter 79-558, Laws of Florida, as amended; increasing the maximum annual tax levies with respect to special taxing districts for the maintenance of canals, waterways, and navigable channels; providing for the levy of an additional annual assessment on certain lots within such districts in any year that expenses for the reconstruction of bulkheads, retaining walls, and other appurtenances exceed a specified amount; providing a referendum.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 1484 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1488—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; amending s. 8, chapter 70-617, Laws of Florida; increasing the maximum compensation for members of the board of supervisors of the district; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1488 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley

Gardner	Kirkpatrick	Myers	Thurman
Girardeau	Kiser	Plummer	Walker
Gordon	Langley	Ros-Lehtinen	Weinstein
Grant	Malchon	Scott	Weinstock
Grizzle	Margolis	Souto	Woodson-Howard
Jennings	McPherson	Stuart	
Johnson	Meek	Thomas	

Grizzle	Malchon	Ros-Lehtinen	Walker
Jennings	Margolis	Scott	Weinstein
Johnson	McPherson	Souto	Woodson-Howard
Kirkpatrick	Meek	Stuart	
Kiser	Myers	Thomas	
Langley	Plummer	Thurman	

Nays—1

Weinstock

Nays—None

SB 1499—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1499 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

CS for SB 1502—A bill to be entitled An act relating to Palm Beach, Hendry, and Glades counties; creating the Everglades Agricultural Area Environmental Protection District; providing boundaries; providing authority to conduct scientific research on environmental matters related to air and water and land management practices, implementation of financing, construction, and operation of works and facilities; providing definitions; providing for election of a board of supervisors; providing for duties of the board of supervisors; providing for budgets; providing general district powers; providing for dissolution of district; providing for special assessments and exemptions therefrom; providing for short-term borrowing; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 2, line 3, after the period (.) insert: All district activities shall be conducted to protect, restore, and enhance air and water quality and the natural resources of the state and shall be consistent with chapters 373 and 403, Florida Statutes.

Amendment 2—On page 9, strike all of lines 29 and 30 and insert: act. The board shall consist of five voting members and an ex officio, nonvoting member. The ex officio, nonvoting member shall be the executive director of the South Florida

Amendment 3—On page 9, line 31, after "District" insert: or his designee

Amendment 4—On page 14, line 11, after "powers" insert: , provided such powers are exercised for the purposes specified in section 1

On motion by Senator D. Childers, by two-thirds vote CS for SB 1502 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bruner	Crenshaw	Gardner
Bankhead	Casas	Davis	Girardeau
Beard	Childers, D.	Deratany	Gordon
Brown	Childers, W. D.	Dudley	Grant

SB 1504—A bill to be entitled An act relating to Pinellas County; amending ss. 2, 3, ch. 80-585, Laws of Florida; authorizing the county Emergency Medical Services Authority to establish levels of service that must be met by emergency medical service providers; providing restrictions on that power; allowing the authority to impose fees and charges for emergency medical services; providing for determining the amount of the costs for which emergency medical service providers will be reimbursed; providing a formula for determining reimbursement if the reimbursable costs exceed revenues from the authorized maximum millage; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 1504 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1505—A bill to be entitled An act relating to Broward County; authorizing the Governor to appoint a representative of the business community of Broward County to the Broward County Metropolitan Planning Organization under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1505 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1512—A bill to be entitled An act relating to Brevard County; amending chapter 87-423, Laws of Florida, as amended; providing for the additional court cost assessed by the circuit and county court against each person convicted or having adjudication withheld for a violation of a state criminal statute or municipal or county ordinance or traffic offense in Brevard County, to be used to fund the Brevard Police Testing and Certification Center at Brevard Community College; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1512 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1530—A bill to be entitled An act relating to the City of Hollywood, Florida, amending chapter 63-1427, Laws of Florida, as subsequently amended by referendum and codified in Article XII of the City of Hollywood's charter relating to the Hollywood Firemen's Pension Fund to incorporate additional provisions and amendments to said pension fund, as negotiated and agreed upon between the City of Hollywood and the International Association of Fire Fighters, Local 1375; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1530 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1531—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending ss. 4, 7, 8, 9, 17, 19, 20, 23, 31, 40, 41, 42, and 53 of ch. 67-904, Laws of Florida, as amended; correcting the name of the district; revising the legal description of property lying within the district; authorizing the manager of the district to prepare an annual budget and perform other duties; changing the date prior to which such budget is submitted to the district board; deleting the authorization for certain meetings of landowners in the district to adjourn to another time or day; deleting provisions authorizing the assessment of a tax on lands within the district which belong to the state; providing for the records of the Broward County property appraiser to satisfy requirements for the drainage tax record of the district; authorizing the maximum allowable interest rate on bonds, assessments, and obligations of the district; revising the date for certification of certain tax assessments to the Broward County property appraiser; providing for the operation and administrative tax for the district to be determined by the district board; deleting a limitation on taxes which may be levied for maintenance of drainage improvements of the district; increasing the amount at which bids are required for the procurement by the district board of contractual services and the purchase of goods, supplies, and materials; providing an exception to such bid requirement; providing that the act take precedence over any conflicting law to the extent of the conflict; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1531 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bruner	Crenshaw	Gardner
Bankhead	Casas	Davis	Girardeau
Beard	Childers, D.	Deratany	Gordon
Brown	Childers, W. D.	Dudley	Grant

Grizzle	Malchon	Ros-Lehtinen	Walker
Jennings	Margolis	Scott	Weinstein
Johnson	McPherson	Souto	Weinstock
Kirkpatrick	Meek	Stuart	Woodson-Howard
Kiser	Myers	Thomas	
Langley	Plummer	Thurman	

Nays—None

SB 1532—A bill to be entitled An act relating to Broward County; amending chapter 65-1541, Laws of Florida, as amended, relating to the Downtown Development Authority of the City of Fort Lauderdale; redefining the boundaries of the Downtown Development Authority of the City of Fort Lauderdale to exclude all lands being used as a residence; defining the phrase "not being used as a residence"; providing that ad valorem taxes for operations and for outstanding bond issues will no longer apply to lands not being used as a residence the year following the year in which the act takes effect; providing validation of notice of intent to apply for this legislation; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1532 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1533—A bill to be entitled An act relating to the City of Hollywood, Broward County; extending and enlarging the corporate limits of the City of Hollywood to include specified unincorporated lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1533 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

SB 1538—A bill to be entitled An act relating to the Water Control District of South Brevard, Brevard County; amending ss. 8(12), 9, 16, chapter 86-418, Laws of Florida; providing for assessment of a storm-water management user fee in lieu of certain ad valorem taxes and interim user fees; providing for establishment, assessment and collection of the fee; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1538 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Crenshaw	Grizzle	McPherson	Thomas
Davis	Jennings	Meek	Thurman
Deratany	Johnson	Myers	Walker
Dudley	Kirkpatrick	Plummer	Weinstein
Gardner	Kiser	Ros-Lehtinen	Weinstock
Girardeau	Langley	Scott	Woodson-Howard
Gordon	Malchon	Souto	
Grant	Margolis	Stuart	

Nays—None

On motions by Senator Plummer, by two-thirds vote—

SB 1540—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; amending chapter 67-1724, Laws of Florida, as amended, relating to the powers and duties of the district; expanding the powers of the governing board with respect to the providing of all types of health services; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

On motions by Senator McPherson, the rules were waived and all bills passed on the Local Calendar were ordered immediately certified to the House.

SPECIAL ORDER

SB 1333—A bill to be entitled An act relating to periodic legislative review of regulatory functions and advisory bodies, commissions, and boards of trustees adjunct to executive agencies; repealing the following regulatory laws and providing for review of such laws pursuant to s. 11.61, F.S., the Regulatory Sunset Act, in advance of their respective dates of repeal: s. 240.5337, F.S., part IX of ch. 468, F.S., relating to regulation of athlete agents; s. 381.061(9), F.S., relating to regulation of food service establishments; ss. 395.0141, 395.0142, 395.0146, 395.102, F.S., relating to hospital licensing and regulation; s. 395.63, F.S., relating to duties of the Health Care Cost Containment Board; s. 402.3025, F.S., relating to child care facilities; s. 458.3295, F.S., relating to medical practice; s. 459.0145, F.S., relating to osteopathy; ss. 466.0275, 466.0283, F.S., relating to the practice of dentistry; ss. 487.170, 487.171, 487.172, 487.173, F.S., relating to antifouling paint dealers and applicators; s. 496.042, F.S., relating to solicitation of funds; ss. 499.024, 499.039, F.S., relating to drugs and cosmetics; s. 517.1205, F.S., relating to regulation of persons dealing in securities; ss. 624.4425, 624.475, F.S., relating to insurance premiums, contributions, and assessments; s. 627.6736, F.S., relating to group Medicare supplement insurance; ss. 627.7275, 627.7295, F.S., relating to motor vehicle insurance policies; s. 629.5011, F.S., relating to taxation of reciprocal premiums; s. 637.406, F.S., relating to taxation of dental service plan premiums, contributions, and assessments; s. 651.027, F.S., relating to taxation of entrance fees under continuing care contracts; s. 655.55, F.S., relating to financial institutions; repealing the following laws relating to bodies adjunct to executive agencies and providing for review of such laws pursuant to s. 11.611, F.S., the Sundown Act, in advance of their respective dates of repeal: s. 20.19(4)(c), F.S., relating to the Advisory Council on Health; s. 222.22, F.S., relating to the Prepaid Postsecondary Education Expense Program; s. 288.1161, F.S., relating to the Sports Advisory Council; ss. 341.401, 341.402, 341.403, 341.404, 341.405, 341.406, 341.407, 341.408, 341.409, 341.411, 341.412, 341.413, 341.414, 341.415, 341.416, 341.417, 341.418, 341.419, 341.421, 341.422, F.S., relating to magnetic levitation and the Florida High-Speed Rail Transportation Commission; s. 381.703(2), F.S., relating to the Statewide Health Council; ss. 403.4131(3), (4), F.S., relating to the Clean Florida Commission; and ss. 411.1072(6), (7), (8), (9), (10), and (13), relating to the community

resource mother or father advisory committee; amending s. 407.50, F.S.; deleting the requirement that the review of provisions relating to the exemption of hospitals from budget review by the Health Care Cost Containment Board be conducted in accordance with s. 11.61, F.S.; amending s. 14, ch. 88-159, Laws of Florida, to eliminate redundancy of Sunset reviews in accordance with s. 11.61, F.S.; ss. 499.017, 499.018, 499.041, 499.067, F.S., relating to drugs and cosmetics; amending s. 5, ch. 88-338, Laws of Florida, to change the date on which s. 627.6745, F.S., relating to Medicare supplement policies, shall be repealed; amending s. 2, ch. 88-363, Laws of Florida, to change the date on which s. 559.927, F.S., relating to regulation of sellers of travel, shall be repealed; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 5, strike all of lines 16-18 and insert:

(13) Section 624.4425, Florida Statutes, relating to taxation of insurance premiums, contributions, and assessments, is repealed October 1, 1991, and shall be

Amendment 2—In title, on page 1, strike all of lines 28 and 29 and insert: persons dealing in securities; s. 624.4425, F.S., relating to insurance premiums

On motion by Senator Kiser, by two-thirds vote SB 1333 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

On motion by Senator Meek, by two-thirds vote HB 292 was withdrawn from the Committee on Community Affairs.

On motion by Senator Meek—

HB 292—A bill to be entitled An act relating to the registration of disabled citizens; amending s. 252.355, F.S., and repealing subsection (4) thereof, which provides an exemption from public records requirements for registries of disabled citizens maintained by local emergency management agencies; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 1394 and read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 29 and 30, insert:

Section 2. Section 252.90, Florida Statutes, is created to read:

252.90 Commission and Committee Duties

(1) The commission shall establish by October 1, 1989 uniform reporting forms for all reporting requirements under this Chapter for use by all committees.

(2) The commission shall establish by October 1, 1989 a mission statement defining the authorities and responsibilities of the committees, limiting those authorities and responsibilities to activities required by Title III and this Chapter.

(3) In order to further the purposes of this Chapter, the commission shall encourage business and industry participation on each committee on a continuing basis.

(4) Each committee shall provide the commission with a copy of the

agenda for each committee meeting at least seven (7) days prior to each meeting and shall provide to the commission a copy of the official minutes of each such meeting within seven (7) days following the meeting.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, lines 2 and 3, strike “the registration of disabled citizens” and insert: emergency management

On motion by Senator Meek, by two-thirds vote HB 292 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Jennings	Scott	
Davis	Johnson	Souto	

Nays—1

Plummer

Vote after roll call:

Yea—Langley

HB 1413—A bill to be entitled An act relating to canal and waterways development projects; repealing ss. 374.75, 374.76, 374.77, 374.78, 374.79, 374.80, 374.81, 374.82, 374.83, 374.84, 374.85, 374.86, 374.87, 374.88, 374.89, 374.90, 374.91, 374.92, 374.93, 374.94, and 374.95, F.S., relating to the creation of special taxing districts for waterways development projects; the purpose, powers, and duties of such districts; the appointment, powers, and duties of district governing boards; the issuance, validation, and sale of bonds; the issuance of promissory notes; the use of state funds to match funds raised by such districts; a sinking fund; the investment and deposit of funds; the levy, assessment, and collection of taxes on property within districts; an annual budget; the publication of an annual financial statement; and legislative intent; saving ss. 374.031, 374.311, 374.321, 374.331, 374.341, 374.351, 374.361, 374.371, 374.391, 374.401, 374.411, 374.421, 374.431, 374.441, 374.451, 374.461, 374.471, 374.481, 374.491, 374.501, and 374.511, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Deratany:

Amendment 1—On page 2, line 19, strike “October 1, 1999” and insert: October 1, 1991

Senator Dudley moved the following substitute amendment which failed:

Amendment 2—On page 2, line 19, strike “October 1, 1999” and insert: October 1, 1994

Amendment 1 failed.

On motion by Senator McPherson, by two-thirds vote HB 1413 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Casas	Forman	Grizzle
Bankhead	Childers, W. D.	Gardner	Jennings
Beard	Davis	Girardeau	Johnson
Brown	Deratany	Gordon	Kiser
Bruner	Dudley	Grant	Langley

Malchon	Peterson	Stuart	Weinstock
Margolis	Plummer	Thomas	Woodson-Howard
McPherson	Ros-Lehtinen	Thurman	
Meek	Scott	Walker	
Myers	Souto	Weinstein	

Nays—None

Vote after roll call:

Yea—Crenshaw, Kirkpatrick

On motion by Senator Malchon, the rules were waived and the Senate reverted to—

LOCAL CALENDAR

SB 737—A bill to be entitled An act relating to community colleges; authorizing certain expenditures to be made by the District Board of Trustees of St. Petersburg Junior College and the St. Petersburg Junior College Development Foundation, Inc., from the Academic Improvement Trust Fund; providing an effective date.

—was read the second time by title.

The Committee on Higher Education recommended the following amendments which were moved by Senator Malchon and adopted:

Amendment 1—On page 1, between lines 24 and 25, insert:

Section 2. Authorization for use of the Academic Improvement Trust Fund for capital improvements shall be limited to those capital projects approved prior to July 1, 1984. This act shall not be interpreted as expanding the current statutorily defined uses to include capital outlay construction projects or to allow the expenditure of the principle in a college's Academic Improvement Trust Fund account.

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: limiting authorization for use of the fund for capital improvements to specific capital projects;

On motion by Senator Malchon, by two-thirds vote SB 737 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Forman	Kiser	Souto
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Weinstock
Childers, W. D.	Grant	Meek	
Davis	Grizzle	Ros-Lehtinen	

Nays—8

Childers, D.	Johnson	Myers	Walker
Jennings	Langley	Peterson	Woodson-Howard

Vote after roll call:

Yea—Stuart

On motion by Senator Malchon, the rules were waived and **SB 737** was ordered immediately certified to the House.

Reconsideration

On motion by Senator Johnson, the rules were waived and the Senate reconsidered the vote by which SB 1484 passed this day.

Pending further consideration of SB 1484, on motion by Senator Johnson, by two-thirds vote HB 682 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson, by two-thirds vote—

HB 682—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; amending chapter 79-558, Laws of Florida, as amended, increasing maximum annual tax levies with respect to special taxing districts for the maintenance of canals, waterways, and navigable channels; providing a referendum.

—a companion measure, was substituted for SB 1484 and read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 682 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

On motion by Senator Johnson, the rules were waived and **HB 682** was ordered immediately certified to the House.

SPECIAL ORDER, continued

CS for SB 230—A bill to be entitled An act relating to selected advisory bodies to the Department of Health and Rehabilitative Services; amending s. 383.14, F.S.; renaming the Infant Screening Advisory Council; adding additional members to the council; authorizing member reimbursement for per diem and travel; modifying the purpose of the council; modifying administrative language; amending s. 385.201, F.S.; adding an additional member to the Florida Cancer Control and Research Advisory Board; authorizing member reimbursement for per diem and travel; amending s. 385.203, F.S.; amending the purposes of the Diabetes Advisory Council; adding an additional member to the council; authorizing member reimbursement for per diem and travel; modifying administrative language; amending s. 391.091, F.S.; adding duties for the Cardiac Advisory Council; extending terms of appointments to 4 years from 2 years; removing superfluous appropriations language; reviving and re-adopting ss. 383.14(4), 385.201(4), 385.203, 391.091, F.S., notwithstanding their scheduled repeal under the Sundown Act; providing for future review and repeal of said sections; repealing s. 383.20, F.S., relating to the Perinatal Advisory Council; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 5, line 28, strike “27” and insert: 28

Amendment 2—On page 6, line 30, after the semicolon (;) insert: *one member must be a representative of the H. Lee Moffitt Cancer Center and Research Institute, Inc.*;

Amendment 3—In title, on page 1, line 10, strike “an additional member” and insert: additional members

On motion by Senator Malchon, by two-thirds vote CS for SB 230 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Plummer

Consideration of **CS for SB 1251** was deferred.

CS for SB's 932, 357, 396, 465 and 775—A bill to be entitled An act relating to telephone solicitation; creating s. 365.1655, F.S.; prohibiting any person from using a machine that electronically transmits facsimiles of documents through connection with a telephone network to transmit unsolicited advertising material for the sale of any real property, goods, or services; providing a civil penalty; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 9, after the semicolon (;) insert: providing for injunctive relief;

On motion by Senator Dudley, by two-thirds vote CS for SB's 932, 357, 396, 465 and 775 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

On motion by Senator Dudley, the rules were waived and **CS for SB's 932, 357, 396, 465 and 775** was ordered immediately certified to the House.

Consideration of **SB 820** was deferred.

CS for SB 799—A bill to be entitled An act relating to environmental protection; amending s. 403.161, F.S.; providing clarification with respect to certain violations of chapter 403, F.S.; authorizing the Department of Environmental Regulation to require certification of certain activities by a professional engineer or regulated professional; providing for costs; amending s. 403.852, F.S.; providing a definition; amending s. 403.853, F.S.; providing for additional standards for nontransient noncommunity water systems; eliminating testing for contaminants for community water supply systems; amending s. 403.862, F.S.; requiring certain county health departments to approve or disapprove the construction or modification of a public water system; providing effective dates.

—was read the second time by title.

Senator Brown moved the following amendment which was adopted:

Amendment 1—On page 2, lines 18-31 and on page 3, lines 1-15, strike all of said lines and insert:

Section 2. Section 403.0877, Florida Statutes, is created to read:

403.0877 Certification by professionals regulated by the Department of Professional Regulation.—

(1) Nothing in this section shall be construed as specific authority for a water management district or the department to require certification by a professional engineer licensed under chapter 471, a professional landscape architect licensed under part II of chapter 481, a professional geologist licensed under chapter 492, or a professional land surveyor licensed under chapter 472, for an activity that is not within the definition or scope of practice of the regulated profession.

(2) If an application for a permit or license to conduct an activity regulated under this chapter, chapter 376, chapter 403, or any permitting program delegated to a water management district by a state agency requires the services of a professional as enumerated in subsection (1), the department or governing board of a water management district may require, by rule, in conjunction with such an application or any submittals required as a condition of granting a permit or license, such certification by the professional as may be necessary to ensure that the proposed activity is designed, constructed, operated, and maintained in accordance with applicable law and rules of the department or district and in conformity with proper and sound design principles, or other such certification by the professional as may be necessary to ensure compliance with applicable law or rules of the department or district. The department or governing board of a water management district may further require as a condition of granting a permit or license, that the professional certify upon completion of the permitted or licensed activity that such activity has, to the best of his knowledge, been completed in substantial conformance with the plans and specifications approved by the department or board.

(3) The cost of such certifications by the professional shall be borne by the permittee.

(4) No permitted or licensed activity which is required to be so certified upon completion of the activity shall be placed into use or operation until the professional's certificate is filed with the department or board.

On motion by Senator Brown, by two-thirds vote CS for SB 799 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dudley	Kiser	Scott
Bankhead	Gardner	Malchon	Souto
Beard	Girardeau	Margolis	Stuart
Brown	Gordon	McPherson	Thomas
Casas	Grant	Meek	Thurman
Childers, D.	Grizzle	Myers	Walker
Childers, W. D.	Jennings	Peterson	Weinstein
Crenshaw	Johnson	Plummer	Weinstock
Davis	Kirkpatrick	Ros-Lehtinen	Woodson-Howard

Nays—1

Langley

Vote after roll call:

Yea—Bruner

SB 521—A bill to be entitled An act relating to environmental regulation; amending s. 403.813, F.S.; revising the types of activities for which the environmental districts may issue permits; amending s. 403.914, F.S.; increasing the period of time during which certain declaratory statements relating to the jurisdiction of the Department of Environmental Regulation are effective; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator McPherson and adopted:

Amendment 1—On page 2, strike all of lines 2-11 and insert: *exceed not exceeding* 500 linear feet of shoreline;

~~(d) The installation of buoys, signs, fences, ski ramps, and fish attractors by the Florida Game and Fresh Water Fish Commission;~~

(d)(e) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state carrying water, electricity, communication cables, oil, and gas, except as exempted by paragraph (m) or paragraph (n) of subsection (2); and

(e) *Other similar projects that are limited in scope as specified by rule.*

On motion by Senator McPherson, by two-thirds vote SB 521 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Langley	Scott
Bankhead	Dudley	Malchon	Souto
Beard	Forman	Margolis	Stuart
Brown	Gardner	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson-Howard
Crenshaw	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 743—A bill to be entitled An act relating to bail bondsmen and runners; amending ss. 648.34, 648.36, 648.365, 648.39, 648.41, 648.44, 903.27, 903.31, F.S.; providing for board review of courses; requiring the filing of an annual statement with the department; revising certain statis-

tical reporting requirements; revising certain agent or runner termination reporting requirements; providing additional prohibitions regarding solicitation business; requiring certain filings with respect to forfeitures; providing procedures for cancellation of bonds; providing an effective date.

—was read the second time by title.

The Committee on Insurance recommended the following amendment which was moved by Senator Ros-Lehtinen and adopted:

Amendment 1—On page 2, line 24, after "state" insert: *, within 30 days after the end of the reporting period,*

Senator Ros-Lehtinen moved the following amendment:

Amendment 2—On page 6, strike line 28 and insert:

Section 9. There is hereby appropriated the sum of \$50,000 to the Department of Insurance from the Insurance Commissioner's Regulatory Trust Fund for fiscal year 1989-1990 for the purpose of enabling the Bail Bond Regulatory Board to conduct a study of the provisions of Chapter 648, which expires October 1, 1990 and is scheduled for review pursuant to section 11.61, Florida Statutes, in advance of that date.

Section 10. This act shall take effect July 1, 1989, or

Senator Brown moved the following substitute amendment which failed:

Amendment 3—On page 6, strike line 28 and insert:

Section 9. The sum of \$50,000 is hereby appropriated to the Auditor General from the Insurance Commissioner's Regulatory Trust Fund for fiscal year 1989-1990 for the purpose of enabling the Auditor General to conduct a study of the provisions of chapter 648, Florida Statutes, which expires October 1, 1990, and is scheduled for review under s. 11.61, Florida Statutes, in advance of that date.

Section 10. This act shall take effect July 1, 1989, or

Amendment 2 was adopted.

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 743 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motion by Senator Thurman, by two-thirds vote HB 833 was withdrawn from the Committee on Agriculture.

On motion by Senator Thurman—

HB 833—A bill to be entitled An act relating to honeybees; amending s. 586.02, F.S.; defining "compliance agreement"; creating s. 586.045, F.S.; requiring beekeepers to register with the Department of Agriculture and Consumer Services; amending s. 586.10, F.S.; providing additional powers and duties of the department; amending s. 586.11, F.S.; revising requirements for shipments of honeybees and used beekeeping equipment; providing an effective date.

—a companion measure, was substituted for SB 537 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 833 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crenshaw

CS for SB 739—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.19, F.S.; defining "affiliate"; amending s. 641.26, F.S.; deleting certain annual report requirements; revising fines for neglecting to file such report; amending s. 641.35, F.S.; specifying certain assets not allowed in determination of financial condition; providing an exception; creating s. 641.386, F.S.; requiring certain agents of a health maintenance organization to be licensed as a health insurance agent; amending ss. 407.07, 641.441, 641.47, F.S.; correcting cross-references; amending s. 409.266, F.S.; requiring the Department of Health and Rehabilitative Services to contract only with specified providers for certain services; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Woodson-Howard moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 12-14 and insert: within the time required by this section shall forfeit *not less than \$500 nor more than \$1,000* for each day for the first 10 days during which the neglect continues and shall forfeit *not less than \$1,000 nor more than \$2,000* for each day

Amendment 2—On page 5, strike line 13 and insert: *asset, at values to be determined by the department, if deemed by the department to be*

On motion by Senator Woodson-Howard, by two-thirds vote CS for SB 739 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Margolis	Thomas
Beard	Gardner	McPherson	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Gordon	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, D.	Jennings	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Davis	Kiser	Scott	
Deratany	Langley	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 540—A bill to be entitled An act relating to commercial feed and feedstuffs; amending s. 580.061, F.S.; clarifying provisions relating to inspection fees, payment of such fees, and exemptions from such fees; amending s. 580.091, F.S.; correcting cross-references; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 540 to conform the bill to HB 580.

On motions by Senator Thurman, by two-thirds vote—

HB 580—A bill to be entitled An act relating to agricultural regulation; amending s. 580.061, F.S.; clarifying provisions relating to inspection fees, payment of such fees, and exemptions from such fees; amending s. 580.091, F.S.; correcting cross references; amending s. 501.90, F.S.; increasing license fees for fence post processors and dealers; continuing s. 501.90, F.S., the Florida Treated Fence Post Act, regulating the treatment of fence posts with preservatives and the sale of treated fence posts, notwithstanding its scheduled repeal by the Regulatory Sunset Act effective October 1, 1989; repealing said section October 1, 1999, and providing for legislative review of said section prior to that date; providing an effective date.

—a companion measure, was substituted for CS for SB 540 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 580 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

Vote after roll call:

Yea—Childers, D.

On motions by Senator Margolis, by two-thirds vote CS for HB 1718 was withdrawn from the Committees on Appropriations and Rules and Calendar.

On motion by Senator Margolis—

CS for HB 1718—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 216.011, F.S., relating to definitions; amending s. 216.023, F.S., relating to adjustment of agency budget requests to comply with the budget format; amending s. 216.031, F.S., relating to the authority of the legislative appropriations committees and the Governor to require agencies to address major issues in their budget requests; amending s. 216.131, F.S., to require the Governor to hold a public hearing on legislative budgets; amending s. 216.151, F.S., relating to the procedure by which the Executive Office of the Governor determines the needs of each state agency; amending s. 216.163, F.S., to require the electronic transmission of the Governor's recommended budget, and specified associated documents, to the Legislature; requiring that the Governor's recommended budget include information relating to collective bargaining impasses; amending s. 216.164, F.S., to include a cross reference relating to submission of the recommended budget to the Legislature; creating s. 216.177, F.S., and amending s. 216.181, F.S., relating to the nature and force of the statement of intent which accompanies the General Appropriations Act and the procedure by which objections to its implementation are pursued; modifying provisions with respect to the authority of the Governor to adjust or transfer appropriations; amending s. 216.192, F.S., relating to the release of appropriations and review by the Administration Commission under certain circumstances; creating s. 216.195, F.S.; restricting the impoundment of funds; amending s. 216.241, F.S., relating to the restriction upon the initiation of new programs; amending s. 216.262, F.S., relating to the restriction upon the creation of positions not authorized in the appropriations acts; amending s. 216.292, F.S., to provide for notice to the chairmen of the legislative appropriations committees with respect to the transfer of appropriated funds; providing an effective date.

—a companion measure, was substituted for CS for SB 1310 and read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 2, beginning with line 20, strike everything after the enacting clause and insert:

Section 1. Paragraphs (r) through (mm) of subsection (1) of section 216.011, Florida Statutes, 1988 Supplement, are redesignated as paragraphs (s) through (nn), of said subsection, a new paragraph (r) is added to said subsection, paragraph (w) of said subsection is amended, and subsection (2) of said section is amended, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(r) *"Independent judgment" means an evaluation of actual needs made separately and apart from the legislative budget request of any other agency, or any assessments by the Governor. Such evaluation shall not be limited by revenue estimates of the Revenue Estimating Conference.*

(x)(w) *"Original approved budget" means the approved plan of operation of an agency consistent with the General Appropriations Act or special appropriations acts and the statement of intent as prescribed by s. 216.181.*

(2) For purposes of this chapter, each of the following terms has the meaning indicated:

(a) *"Approved operating budget" or "approved budget" means the plan of operations consisting of the original approved operating budget and statement of intent.*

(b)(a) *"Commission" means the Administration Commission composed of the Governor and Cabinet.*

(c)(b) *"Department" means the Department of Administration.*

(d) *"Impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to the provisions of 216.181 or in the schedule of releases prepared pursuant to the provisions of s. 216.192 or the failure of any state agency to spend an appropriation for the stated purposes authorized in the approved operating budget.*

Section 2. Subsections (5) and (6) of section 216.023, Florida Statutes, are amended to read:

216.023 Legislative budget requests to be furnished by agencies.—

(5) The Executive Office of the Governor shall review the preliminary legislative budget request for technical compliance with the budget format provided for in the budget instructions. The Executive Office of the Governor shall notify the agency of any adjustment required. The agency shall make the appropriate corrections in preparing its final legislative budget request. *If the agency fails to make the appropriate technical corrections in format in preparing its final legislative budget request, the Executive office of the Governor may adjust the agency legislative budget request to incorporate the appropriate technical corrections in the format of the request.*

(6) At any time after the Governor ~~head of an agency~~ submits his recommended budget to the Legislature ~~its final legislative budget request~~, the head of the agency may amend the request by transmitting to the Governor and the Legislature the amended request of the agency, in the form and manner prescribed in the legislative budget instructions.

Section 3. Section 216.031, Florida Statutes, 1988 Supplement, is amended to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency with respect to the needs of the agency for operational expenditures during the next biennium, shall be submitted by each head of a state agency and shall contain the following:

(1) For each budget entity, a summary exhibit showing, for each appropriation category, for each fund, 2 prior years' appropriations for general revenue, 1 prior year's actual expenditures and 1 current year's estimated expenditures, and the requested expenditures for each year of the next biennium. The total number of positions for the budget entity shall be shown for each fiscal year of data for which positions are authorized, fixed, or requested. However, the agency budget request for the State University System shall be expressed in terms of the amounts for the various programs as prescribed in s. 240.271 and in terms of the specified appropriation categories, including the special units' budgets, prescribed in the prior appropriations act.

(2) For each program component within the budget entity, an exhibit showing, for each appropriation category, the summary explanation of expenditures for each detail issue describing the amounts and positions for each year of the next biennium for continuation of current programs, for improved programs, and for new programs, with a summary showing totals by fund for each year of the biennium.

(3) For each trust fund within the budget entity, a schedule showing the trust funds available, providing the source of receipts, detail of non-operating disbursements, operating expenditures, fixed capital outlay, and unencumbered cash balances, for 1 prior year's actual, the current year's estimated, and the request for each year of the biennium. In addition, for each trust fund established in connection with legislative action authorizing the collection of a fee or other charge to support a governmental service or activity being performed by the agency involved, there shall be submitted a schedule showing the full cost of such service or activity, the total fees or charges collected to fund such costs, and the amount of excess collections or any deficit. The sources and amounts of any funds used to cover a deficit shall also be shown. The service or activity being performed shall be reviewed by the appropriations committees in the Senate and House of Representatives for the express purpose of making adjustments in fees or other charges in order to make such activities as nearly self-supporting as possible.

(4) For each budget entity, a schedule showing detail of positions, providing for each class of positions within discrete organizational activities, by the collective bargaining unit and program component for each year of the next biennium, the number of full-time equivalent positions, the estimated rate of salary, the number of months of employment, the amounts requested for new positions, and the number of new positions requested.

(5) Detailed information for each year of the biennium necessary for the Legislature and the Governor to evaluate:

(a) The effectiveness of current programs, including justification for those programs.

(b) The justification for increasing costs to continue the operations of current programs.

(c) The justification for proposed improvements in existing programs.

(d) The justification for proposed new programs.

(e) The projected cost of the requested program for the following biennial budget cycle.

(6) Additional information providing a detailed description of the request of the agency and the corresponding calculations needed to support the request.

(7) Workload and other performance indicators, as prescribed by the legislative budget instructions.

(8) The sum of money actually expended for contractual services, as defined in s. 287.012, by the agency for the previous year.

(9) A schedule listing each committee, however created; council; coordinating council; commission; and board of trustees that is adjunct to the executive agency. The schedule shall show the name, number of meetings held in the past fiscal year, number of members, and expenses of each committee, council, coordinating council, commission, or board of trustees. The schedule shall further state the purpose of each committee, council, coordinating council, commission, or board of trustees and the statutory basis for each one's creation.

(10) An information resources management schedule showing the agency's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions pursuant to s. 282.305(6). This subsection is applicable only to those state agencies which are under the purview of ss. 282.301-282.313.

(11) The sum of money actually expended in the previous year for promulgation of publications using the method of computation described in s. 283.315 and a schedule listing the publications discontinued or scheduled for discontinuance and the cost avoidance to be realized by such action.

~~Either chairman of a committee and the Executive Office of the Governor may require the agency to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency. The issues shall be submitted to the agency no later than August 30 of each even-numbered year and shall be displayed in its requests as provided in the budget instructions.~~

Section 4. Section 216.131, Florida Statutes, is amended to read:

216.131 Public hearings on legislative budgets.—The Governor shall ~~may~~ provide for at least one public hearing ~~hearings~~ prior to submission of his budget recommendations to the Legislature on issues contained in agency ~~any and all~~ legislative budget requests and issues which may ~~budgets~~ to be included in his budget recommendations to the Legislature, which shall be held at such time as he may fix. The Governor may require the attendance at these hearings of the heads or responsible representatives of all state agencies supported by any form of taxation or licenses, fees, imposts, or exactions.

Section 5. Subsection (1) of section 216.151, Florida Statutes, is amended to read:

216.151 Duties of the Executive Office of the Governor.—It shall be the duty of the Executive Office of the Governor to:

(1) Assist the Governor in making a detailed study of each of the several state agencies, with a view toward ascertaining and determining the needs thereof; whether changes should be made in existing organizations, their activities and methods of operation; what appropriation should be made therefor; whether the operations and activities of different agencies or within the same agencies should be combined, consolidated, or integrated or should be regrouped and rearranged, all to the end of securing greater economy without sacrificing efficiency in the operations of such agencies. *In order to accomplish this study, the Executive Office of the Governor may request any or all agencies to submit a budget plan with respect to targets established by the Governor. Such a request shall not influence the agencies' independent judgments in making legislative budget requests, as required by law.*

Section 6. Section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; *declaration of collective bargaining impasses.*—

(1) The Governor's recommended budget shall be referenced to the legislative budget requests prescribed in ss. 216.031 and 216.043 and shall be distinctly separated into two sections: Section One of the budget shall be entitled "Operations," and Section Two shall be entitled "Fixed Capital Outlay."

(2) Within each section prescribed in subsection (1), there shall be a distinct computation for each fiscal year in the biennium. The provisions of this subsection also apply to budgets submitted in accordance with ss. 216.031 and 216.043.

(3) The Governor's recommended budget shall also include:

(a) His recommendations for operating each state agency for the next biennium. These recommendations shall be displayed by appropriation category within each budget entity, with detail by program component within each budget entity, and shall also include the legislative budget request of the corresponding agency.

(b) His recommendations for fixed capital outlay appropriations for the next biennium. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency.

(c) The evaluation of the fixed capital outlay request of each agency and alternatives to the proposed projects as made by the Department of General Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor.

(f) A listing of the general policies used to calculate the amounts required for salaries, other personal services, expenses, operating capital outlay, electronic data processing, and food products recommended by the Governor.

(g) Explanations and justification, expressed in terms of program-effectiveness measures, program-efficiency measures, workload, productivity adjustments, staffing standards, and any other criteria needed to evaluate the delivery of governmental services and to explain his recommendations, and such other supporting schedules and exhibits as may be determined by him.

(h) Any additional information which the Governor feels is needed to justify his recommendations.

(4) *At the same time that the Governor furnishes each senator and representative with a copy of his recommended balanced budget under s. 216.162(1), the Executive Office of the Governor shall electronically transmit to the legislative appropriations committees his recommended budget, the Exhibit B, Major Issues, and D-3a's.*

(5) *At the time the Governor is required to furnish copies of his recommended budget to each senator and representative under s. 216.162(1), he shall declare an impasse in all collective bargaining negotiations for which he is deemed to be the public employer and for which a collective bargaining agreement has not been executed. Within 14 days thereafter, he shall furnish the legislative appropriations committees with documentation relating to the last offer he made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.*

Section 7. Subsection (1) of section 216.164, Florida Statutes, 1988 Supplement, is amended to read:

216.164 Governor's recommended budget; supporting information.—

(1) Not later than 14 days after the Governor submits his recommended budget to the Legislature pursuant to s. 216.162 and s. 216.163, the Executive Office of the Governor shall make available:

(a) To the legislative appropriations committees an appropriations bill as recommended by the Governor, an economic impact statement as required of the Legislature pursuant to s. 11.075, and appropriate staff analyses or support materials used to develop the Governor's budget recommendations. Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an enrolled actuary indicating the amount by which monthly plan premiums would need to change if the proposed benefit changes were exclusively funded by a change in plan premiums.

(b) To the President of the Senate and Speaker of the House of Representatives any additional legislation in bill form which will be needed to fully implement the Governor's recommended budget. Upon receipt, the President of the Senate and Speaker of the House of Representatives shall transmit each such bill to the chairman of the appropriate committee.

Section 8. Subsections (1) and (2) of section 216.181, Florida Statutes, 1988 Supplement, are renumbered as section 216.177, Florida Statutes, and amended to read:

216.177 *Appropriations acts, letter of intent, violation, notice, review and objection procedures.*—

(1) *As soon as practicable, but no later than ~~On or before~~ the 10th ~~fifth~~ day before the end of the period allowed by law for veto consideration in any year in which an appropriation is made, the chairmen of the legislative appropriations committees shall jointly transmit a statement of intent, including performance and workload measures as appropriate and the official list of General Revenue Fund appropriations determined in consultation with the Executive Office of the Governor to be nonrecurring, to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency. The statement of intent constitutes a manifestation of how the Legislature, in its considered opinion as a representative of the people, thinks appropriations should be spent. The statement of intent is not a law and may not allocate or appropriate any funds, or amend or correct any provision, in the General Appropriations Act, but the statement of intent may provide additional direction and explanation to the Executive Office of the Governor, the Administration Commission, and each affected state agency relative to the purpose, objectives, spending philosophy, and restrictions associated with any specific appropriation category. The statement of intent shall compare the request of the agency or the recommendation of the Governor to the funds appropriated for the purpose of establishing intent in the development of the approved operating budget. A request for additional explanation and direction regarding the legislative intent of the General Approp-*

priations Act during the fiscal year may be made only by and through the Executive Office of the Governor as is deemed necessary. However, the Comptroller may also request further clarification of legislative intent pursuant to his responsibilities related to his preaudit function of expenditures.

(2)(a) *Whenever notice of action to be taken by the Executive Office of the Governor or the commission is required by this chapter, such notice shall be given to the chairmen of the legislative appropriations committees in writing, and shall be delivered to such chairmen at least 7 working days prior to the action referred to. If the chairmen of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives object in writing to the Executive Office of the Governor that the General Appropriations Act, or a special appropriations act, has been violated or that such a violation has been proposed, the Governor, if he concurs with the chairmen's or presiding officer's objections, shall void such action or instruct the affected state agency to change immediately its spending action or spending proposal to conform with such act legislative intent. If, in the judgment of the Governor, the General Appropriations Act or special appropriations act has not been violated or a violation of the General Appropriations Act or special appropriations act has not been proposed, the commission shall review the spending action or spending proposal. Such spending action or spending proposal may be affirmed by a two-thirds majority affirmative vote of the members present with the Governor voting in the affirmative. In the absence of an affirmative vote of two-thirds of the members present with the Governor voting in the affirmative, the commission shall void such action or instruct the affected state agency to cease such spending action or modify its spending proposal. In considering whether the General Appropriations Act has or will be violated, the commission may also consider the statement of intent as provided in subsection (1) any documentation presented by both chairmen of the legislative appropriations committees, the presiding officer of either house, or the Governor. The Governor or either house of the Legislature may seek judicial review of the commission's action. Such review shall be de novo and shall not be limited to the record in the proceedings before the commission.*

(b) *If, based on documentation of legislative action which occurred prior to the General Appropriations Act becoming a law, the chairmen of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives object in writing to the Executive Office of the Governor that a spending action or proposed spending action is inconsistent with the statement of intent, the Governor, if he concurs with the presiding officer's or chairmen's objections, may instruct the affected state agency to change immediately its spending action or spending proposal to conform with legislative intent. If the Governor does not direct the agency to change its spending action or proposed spending action, the commission shall review the spending action or spending proposal. Such spending action or proposal may be affirmed by a two-thirds affirmative vote of the members present with the Governor voting in the affirmative. In the absence of such vote the commission shall have determined that such action violated the statement of intent. The commission may void such action or instruct the affected state agency to cease such spending action or modify its proposed spending action so as to be consistent with the statement of intent. In considering whether the statement of intent has or will be violated, the commission may also consider other documentation presented by both chairmen of the legislative appropriations committees, the presiding officer of either house, or the Governor. The Governor or either house of the Legislature may seek judicial review of the commission's action. Such review shall be de novo and shall not be limited to the record in the proceedings before the commission.*

(c) *The House of Representatives and the Senate shall provide by rule that any member of the House of Representatives or Senate may request, in writing, of either the President of the Senate or the Speaker of the House of Representatives or the chairman of the respective legislative appropriations committee to initiate the procedures of paragraph (a) or (b).*

Section 9. Subsections (3) through (14) of section 216.181, Florida Statutes, 1988 Supplement, are amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(1)(3) *The General Appropriations Act and supporting statement of intent and any other acts containing appropriations shall be considered the original approved operating budgets for operational and fixed capital expenditures.*

(a) *The Executive Office of the Governor may amend the original approved operating budget, including budgets, provided such amendments are consistent with information furnished in the legislative appropriations act and the statement of intent provided pursuant to subsection (1) or those amendments which are necessary to implement the provisions of s. 216.212 or s. 216.221. The Executive Office of the Governor may require the submission of a detailed plan from the agency affected, consistent with the General Appropriations Act, special legislative appropriations acts act, and the statement of intent before transferring and releasing the balance of a lump-sum appropriation. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.*

(b) *The Executive Office of the Governor may amend, without approval of the Administration Commission, agency budgets to reflect the transferred funds based on the approved plans for lump-sum appropriations.*

The Executive Office of the Governor shall transmit to each state agency, the Comptroller, and, with notice as provided in s. 216.177, the legislative appropriations committees any amendments to the original approved operating budgets.

(2)(4) *The Executive Office of the Governor may, for the purpose of improved contract administration, authorize the consolidation of two or more fixed capital outlay appropriations for an agency, except for projects authorized under chapter 235, provided the original scope and purpose of each project are not changed.*

(3)(5) *The original approved annual salary rate for the Division of Administrative Hearings shall be as set forth in the General Appropriations Act or statement of intent provided pursuant to subsection (1). This rate may be adjusted by the Executive Office of the Governor subject to the provisions of s. 120.65(2).*

(4)(6) *As part of the approved operating budget, the Executive Office of the Governor shall furnish to each agency an approved annual salary rate for each budget entity containing a salary appropriation. This rate shall be based upon the actual salary rate and shall be consistent with the General Appropriations Act or special legislative appropriations acts, act and the statement of intent provided pursuant to subsection (1). The annual salary rate shall be:*

(a) *Calculated based on the actual salary rate in effect on June 30, and the salary policy and the number of authorized positions as specified in the General Appropriations Act and special legislative appropriations acts, or as act and/or the statement of intent provided pursuant to s. 216.177 subsection (1). Vacant and newly authorized positions shall be calculated at 10 percent above the minimum pay grade for the position or as provided in the statement of intent.*

(b) *Calculated at a time specified by the legislative appropriations act and/or the statement of intent provided pursuant to subsection (1).*

(b)(e) *Controlled by budget entity.*

(c)(4) *Assigned to the number of authorized positions, which may not be transferred between budget entities unless the associated positions are also transferred pursuant to s. 216.262(1)(b).*

(5)(7)(a) *The calculation for the annual salary rate for vacant and newly authorized positions shall be 10 percent above the minimum of the pay grade for the position or as provided in the General Appropriations Act letter of intent.*

(b) *No agency may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency has reduced its salary rate so that the salary rate for each budget entity is within the approved rate limit for that budget entity.*

(6)(8)(a) *The Executive Office of the Governor may increase or decrease the approved salary rate for positions established by the Administration Commission and for the purpose of implementing the General Appropriations Act and special appropriations acts. Other adjustments to the salary rate may be made by the Executive Office of the Governor if they are deemed to be necessary and in the best interest of the state. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177. If the President of the Senate and the Speaker of the House of Representatives object in writing*

~~to a rate increase, the rate increase may be affirmed by the Administration Commission upon a two-thirds majority affirmative vote of the commission members present with the Governor voting in the affirmative. In the absence of an affirmative vote of two-thirds of the commission members present with the Governor voting in the affirmative, the rate increase shall be voided.~~

(b)1. *Lump-sum salary bonuses may be provided only if specifically appropriated.*

2. *This paragraph (b) shall take effect July 1, 1989.*

(7)(9) ~~The Executive Office of the Governor may approve transfers of appropriations in the General Appropriations Act within any changes in the amounts appropriated from state trust fund. The Governor may funds in excess of those in the original approved operating budget and establish nonoperating budgets if deemed necessary and in the best interest of the state. The Executive Office of the Governor may approve changes in the amounts appropriated from state trust funds in excess of those in the approved operating budget only pursuant to the federal funds provisions of s. 216.212 or when grants and donations are received after June 1 or when deemed to be in the best interest of the state due to an emergency situation. The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177. If the President of the Senate and the Speaker of the House of Representatives object in writing to an increase in state trust funds, the Administration Commission shall review the increase. The increase may be affirmed by the commission upon an affirmative vote by two-thirds of the members present with the Governor voting in the affirmative. In the absence of such an affirmative vote by two-thirds of the members present with the Governor voting in the affirmative, the trust fund increase shall be voided.~~

(8)(10) Each state agency shall develop the internal management procedures and budgets necessary to assure compliance with the approved operating budget.

(9)(11) Any department under direct supervision of a member of the Cabinet or of a board consisting of the Governor and members of the Cabinet which contends that its approved operating budget is not consistent with legislative intent has the right to have the issue reviewed by the Administration Commission, which shall decide such issue by majority vote. The appropriations committees of the Legislature may advise the Administration Commission on the issue.

(10)(12) The Executive Office of the Governor shall certify the amounts approved for operations and fixed capital outlay, together with any relevant supplementary materials or information, to the Comptroller; and such certification shall be the Comptroller's guide with reference to the expenditures of each state agency pursuant to s. 216.192.

(11)(13) The provisions of this section do not apply to the budgets for the legislative branch.

(12)(14)(a) Funds provided in any specific appropriation in the General Appropriations Act may be advanced if the General Appropriations Act specifically so provides.

(b) Any agency that has been expressly authorized by other law to make advances for program startup or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount which may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. ~~This paragraph does not constitute provision shall not be construed as lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Comptroller may, after consultation with the legislative appropriations committees, waive the requirements of this paragraph if it is determined to be consistent with the intent of the approved operating budget General Appropriations Act or the statement of intent.~~

Section 10. Subsection (2) of section 216.192, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

216.192 Release of appropriations; revision of budgets.—

(2) Any department under the direct supervision of a member of the Cabinet or of a board consisting of the Governor and members of the Cabinet which contends that the plan for releases of funds appropriated to it is contrary to the approved operating budget ~~an orderly implementation of legislative authorization~~ shall have the right to have the issue reviewed by the Administration Commission, which shall decide such issue by majority vote. The appropriations committees of the Legislature may advise the Administration Commission on the issue.

(5) *The provisions of this section are subject to the notice, review, and objection procedures set forth in s. 216.177.*

Section 11. Section 216.195, Florida Statutes, is created to read:

216.195 Impoundment of funds; restricted.—The Executive Office of the Governor or any state agency shall not impound any appropriation except as necessary to avoid or eliminate a deficit pursuant to the provisions of s. 216.221. The Governor or either house of the Legislature may seek judicial review of any action or proposed action which violates the provisions of this section.

Section 12. Section 216.241, Florida Statutes, is amended to read:

216.241 Initiation or commencement of new programs; approval.—

(1) No state agency may initiate or commence any new program, including any new federal program or initiative, or make changes in its current programs, as provided for in the appropriations act, that require additional financing unless funds have been specifically appropriated by the Legislature or unless the commission expressly approves such new program or changes. ~~The commission shall give notice as provided in s. 216.177 prior to approving such new program or changes. No new program may be initiated nor any changes made to existing programs that materially affect the policy direction of the program without first consulting with the legislative appropriations committees.~~ Each such approval pursuant to this section shall be given by two-thirds vote of the commission members present with the Governor voting in the affirmative in any instance when the President of the Senate ~~or and~~ the Speaker of the House of Representatives ~~or the chairmen of the legislative appropriations committees~~ object in writing. In the absence of an objection, the provisions of s. 14.202 apply. Each approval shall be reported to the legislative appropriations committees.

(2) *No changes which are inconsistent with the approved operating budget shall be made to existing programs. The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177.*

Section 13. Paragraph (a) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)(a) Unless otherwise expressly provided by law, the total number of authorized positions may not exceed the total provided in the appropriations acts. In the event any state agency finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the Executive Office of the Governor; and, if the agency and the office certify there are no authorized positions available for addition, deletion, or transfer within the agency as provided in paragraph (b), the commission may, after a public hearing, authorize an increase in the number of positions for the following reasons only:

1. To implement or provide for continuing federal grants or changes in grants not previously anticipated;
2. To implement lump-sum appropriations made by the Legislature; however, the number of positions shall be limited to the number authorized in the appropriation act for each lump sum;
3. To meet emergencies pursuant to s. 252.36;
4. To satisfy new federal regulations or changes therein;
5. To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state; and
6. To authorize positions which were not fixed by the Legislature through error in drafting the appropriations acts, after consultation with the chairmen of the legislative appropriations committees.

The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177. However, if the President of the Senate and the Speaker of the House of Representatives object in writing, the number of positions may not be increased unless the commission approves the increase by two-thirds affirmative vote of the members present with the Governor voting in the affirmative. In the absence of such an affirmative vote, the number of positions may not be increased. A copy of the application, the certification, and the final authorization shall be filed with the legislative appropriations committees and with the Auditor General. The legislative appropriations committees may advise the commission relative to any authorization for increasing the number of positions.

Section 14. Subsections (2) and (3) of section 216.292, Florida Statutes, 1988 Supplement, are amended to read:

216.292 Appropriations nontransferable; exceptions.—

(2) The head of each department, whenever it is deemed necessary by reason of changed conditions, may transfer appropriations funded from identical funding sources funds as prescribed in s. 215.32, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget by all action taken under this subsection.

(c) *Such authorized revisions must be consistent with the intent of the approved operating budget.*

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state agency to the Comptroller for entry in his records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished the Executive Office of the Governor, the chairmen of the legislative committees, and the Auditor General.

(3)(a) Transfers of appropriations for operations from the General Revenue Fund in excess of those provided in subsection (2) but within a state agency may be authorized by the commission, pursuant to the request of the agency filed with the Executive Office of the Governor, if deemed necessary and in the best interest of the state. *The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177. However, if the President of the Senate and the Speaker of the House of Representatives object in writing, the transfer shall not be approved unless the commission votes in the affirmative by two-thirds of the members present with the Governor voting in the affirmative to approve the transfer. In the absence of such an affirmative vote, the transfer is voided.*

(b) When an appropriation for a named fixed capital outlay project is found to be in excess of that needed to complete that project, the excess may be transferred, with the approval of the commission, to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist. Further, a fixed capital outlay project may not be initiated without a specific legislative appropriation, nor may the scope of a fixed capital outlay project be changed by the transfer of funds. *The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177. However, if the President of the Senate and the Speaker of the House of Representatives object in writing, the transfer shall not be approved unless the commission votes in the affirmative by two-thirds of the members present with the Governor voting in the affirmative to approve the transfer. In the absence of such an affirmative vote, the transfer shall be voided.*

Section 15. Except as otherwise provided herein, this act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to fiscal affairs of the state; amending s. 216.011, F.S., relating to definitions;

amending s. 216.023, F.S., relating to adjustment of agency budget requests to comply with the budget format; amending s. 216.031, F.S., relating to the authority of the legislative appropriations committees and the Governor to require agencies to address major issues in their budget requests; amending s. 216.131, F.S., to require the Governor to hold a public hearing on legislative budgets; amending s. 216.151, F.S., relating to the procedure by which the Executive Office of the Governor determines the needs of each state agency; amending s. 216.163, F.S., to require the electronic transmission of the Governor's recommended budget, and specified associated documents, to the Legislature; requiring that the Governor's recommended budget include information relating to collective bargaining impasses; amending s. 216.164, F.S., to include a cross-reference relating to submission of the recommended budget to the Legislature; creating s. 216.177, F.S., and amending s. 216.181, F.S., relating to the nature and force of the statement of intent which accompanies the General Appropriations Act and the procedure by which objections to its implementation are pursued; modifying provisions with respect to the authority of the Governor to adjust or transfer appropriations; amending s. 216.192, F.S., relating to the release of appropriations and review by the Administration Commission under certain circumstances; creating s. 216.195, F.S.; restricting the impoundment of funds; amending s. 216.241, F.S., relating to the restriction upon the initiation of new programs; amending s. 216.262, F.S., relating to the restriction upon the creation of positions not authorized in the appropriations acts; amending s. 216.292, F.S., to provide for notice to the chairmen of the legislative appropriations committees with respect to the transfer of appropriated funds; providing an effective date.

On motion by Senator Margolis, by two-thirds vote CS for HB 1718 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—D. Childers

On motion by Senator Margolis, the rules were waived and CS for HB 1718 was ordered immediately certified to the House.

CS for CS for SB 1298—A bill to be entitled An act relating to aging; creating the Florida Commission on Aging; providing for the appointment of commission members; providing for the commission to appoint an executive director; authorizing reimbursement for per diem and travel expenses for members of the commission; requiring the commission to prepare a master plan for policies and programs related to aging; requiring the commission to make certain recommendations to the Governor, Cabinet members, the Department of Health and Rehabilitative Services, and the Legislature regarding programs related to aging; requiring the commission to review certain budget requests; requiring the commission to make certain reports; requiring the commission to administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council; requiring the commission to hold public meetings; authorizing the commission to seek assistance from appropriate agencies; requiring agencies to cooperate in providing such assistance; amending s. 110.501, F.S.; redefining the term "volunteer" to include persons serving in certain programs authorized under federal law; providing for benefits for such persons; providing for positions and appropriations for the Commission on Aging and the State Nursing Home and Long-Term Care Facility Ombudsman Council; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendments which were adopted:

Amendment 1—On page 2, lines 29-31 and on page 3, lines 1 and 2, after “to” strike all of said lines and insert: 2-year terms; however, of the initial appointees, three of the Governor’s six appointees, three of the President of the Senate’s six appointees and three of the Speaker of the House of Representatives’ six appointees shall be appointed to 1-year terms. The Governor shall annually designate a member of

Amendment 2—On page 6, between lines 12 and 13, insert:

Section 4. Section 1 of this act is repealed on October 1, 1999, and shall be reviewed by the Legislature prior to such date pursuant to the Sundown Act, section 11.611, Florida Statutes.

(Renumber subsequent section.)

Senator Woodson-Howard moved the following amendment which was adopted:

Amendment 3—On page 6, between lines 13 and 14, insert:

Section 4. Section 400.301, Florida Statutes, is amended to read:

400.301 Legislative intent; long-term care facilities.—

(1) The Legislature finds and declares that conditions in nursing homes in this state are such that the personal and health care needs of residents are not assured either by regulation of the Department of Health and Rehabilitative Services or the good faith of the nursing home industry. Furthermore, there is no formal mechanism whereby a nursing home resident or his representative may make a complaint against a nursing home facility or its employees. The Legislature declares further that concerned citizens are more effective advocates of the rights of others than governmental agencies. It is the intent of the Legislature, therefore, to provide an alternative to the present method of correcting nursing home deficiencies, by establishing, *at the state and district levels*, voluntary citizen ombudsman councils *which are not subject to interference by any executive agency and which shall undertake at the state and district levels* to discover, investigate, and determine the presence of abuse or neglect in nursing home facilities and to receive, investigate, and resolve complaints against nursing home facilities. To ensure that the effectiveness and efficiency of such investigations are not impeded by advance notice or delay, the Legislature intends that ombudsman councils not be required to obtain warrants in order to enter into or to conduct administrative inspections of nursing home facilities. It is the intent of the Legislature that the environment in nursing home facilities should be conducive to the dignity and independence of residents and that investigations by ombudsman councils should further the enforcement of laws and regulations that safeguard the health, safety, and welfare of residents.

(2) The Legislature further finds that procedures for discovering and investigating the presence of abuse or neglect and for receiving and investigating complaints through the mechanism of the state and district ombudsman councils should be extended to include complaints relating to adult congregate living facilities and adult foster homes. These facilities shall hereinafter be referred to as “long-term care facilities.”

Section 5. Section 400.304, Florida Statutes, is amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Council; duties; membership.—

(1) There is created ~~in the Office of the Governor~~ a State Nursing Home and Long-Term Care Facility Ombudsman Council *which shall be located for administrative purposes in the Commission on Aging.*

(2) *In order to ensure that the ombudsman program has the objectivity and independence required to qualify it for funding under the federal Older Americans Act, the State Unit on Aging of the Department of Health and Rehabilitative Services shall contract with the Commission on Aging for the operation of an Office of the State Long-Term Care Ombudsman to carry out the long-term care ombudsman program and advise the state and district councils. The contract shall be limited to provisions which assure compliance with and carry out the intent of the Older Americans Act. The State Unit on Aging shall:*

(a) *In accordance with guidelines formulated by the state council, provide the funds necessary to match the federal allocation;*

(b) *Receive and disburse state and federal funds by contract with the Commission on Aging for purposes that the state council has formulated in accordance with the Older Americans Act.*

(c) *Act as liaison between the federal program representatives, the staffs of the state and district councils, and members of the state and district councils.*

(d) *Submit annually to the Legislature a report of the status of the contract with the Commission on Aging, including a statement regarding any problems in the contractual arrangement; an assessment of the success of the ombudsman program during the preceding year; the degree of compliance by the program with the Older Americans Act; and an assessment of the level of cooperation between the Department of Health and Rehabilitative Services and the ombudsman program regarding shared responsibilities, including, but not limited to, access to records and actions taken on behalf of residents of long-term care facilities. The report shall be submitted in conjunction with the report submitted by the state ombudsman council required by this section. The first report shall be submitted to the Legislature on or before March 1, 1990.*

(3)(2) ~~The duties of the state ombudsman council shall be to:~~

(a) *Shall help establish and coordinate the district ombudsman councils throughout the state.*

(b) *Shall serve as an appellate body in receiving from the district ombudsman councils complaints not resolved at the district level. The state ombudsman council may enter any nursing home or long-term care facility involved in an appeal, pursuant to the conditions specified in s. 400.307(3). Members who are associated with a nursing home or long-term care facility which is under investigation by a council may not participate in the investigation or in an appeal.*

(c) *Shall develop procedures to discover, investigate, and determine the existence of abuse or neglect in any nursing home or long-term care facility. Investigations may consist, in part, of one or more onsite administrative inspections.*

(d) *Shall develop procedures for eliciting, receiving, responding to, and resolving complaints made by, and on behalf of, nursing home and long-term care facility residents.*

(e) *Shall elicit and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a nursing home or long-term care facility.*

(f) *Shall prepare an annual report to the President of the Senate, the Speaker of the House, and the Governor containing an appraisal of the problems of nursing home and long-term care facility residents, and recommendations for improving nursing home and long-term care facility care and treatment, and an analysis of the success of the ombudsman program during the preceding year which should address, at a minimum, the relationship between the ombudsman program, the Commission on Aging, and the Department of Health and Rehabilitative Services and an assessment of how successfully the ombudsman program has carried out its responsibilities under the Older Americans Act. The annual report shall be submitted on or before March 1 of each year.*

(g) *Shall appoint an executive director who shall serve at the pleasure of the council and shall perform the duties delegated to him by the council. The executive director, with the consent of the council and as authorized and funded by the Older Americans Act, shall employ such personnel, including staff for the district councils, as are necessary to perform adequately the functions of the council. Staff for each district council shall be selected in consultation with, and must meet the approval of, that district council.*

(h) *May contract for services necessary to carry out its activities.*

(i) *May apply for, receive, and accept grants, gifts, or other payments, including, but not limited to, real property, personal property, and services from a governmental entity or other public or private entity or person, and make arrangements as to the use of such grants, gifts, or payments.*

(4) *In performing the duties specified in state and federal law, the ombudsman councils shall be independent of the Department of Health and Rehabilitative Services. However, the department and the councils shall cooperate fully in the discharge of their responsibilities for identifying and correcting deficiencies in nursing homes and other long-term care facilities.*

(5)(3) The state ombudsman council shall be composed of 12 members, appointed by the Governor. *The council shall solicit nominations from appropriate professional organizations, consumer groups representing older or disabled persons and long-term care advocacy groups, and shall submit a list of nominees to the Governor for consideration.*

(a) *The council shall, to include the following:*

1. One medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility;
2. One registered nurse who has geriatric experience, if possible;
3. One nursing home administrator;
4. One owner or operator of an adult congregate living facility;
5. One licensed pharmacist;
6. *One registered dietitian;*
7. Two nursing home residents or representative consumer advocates for nursing home residents;
8. One adult congregate living facility resident or representative consumer advocate for adult congregate living facility residents;
9. One adult foster home resident or representative consumer advocate for adult foster home residents;
10. One attorney; and
11. One professional social worker.

Each of the four representatives who are long-term care facility residents or consumer advocates shall be chosen from a list of at least four persons recommended by the state council.

(b) In no case may the medical director of a nursing home or a long-term care facility or an employee of the Department of Health and Rehabilitative Services serve as a member or as an ex officio member of the council. ~~The Governor shall elicit nominations from related professional organizations.~~ Except for the nursing home administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the state ombudsman council shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(6)(4)(a) All members shall be appointed to serve for 3-year ~~2-year~~ terms. A member may not serve more than two consecutive terms ~~be reappointed thereafter~~. Any vacancy which occurs shall be filled by the Governor. If an appointment is not made within 60 ~~120~~ days after a vacancy occurs, or within 60 days after the Governor receives a list of recommendations from the council, whichever is later, the vacancy shall be filled by a majority vote of the council. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(b) In order to stagger the terms of office so that a third of the council members are in the first year of their respective terms, while a third are in the second year, and a third are in the third year:

1. When the terms of four members expire November 1, 1989, the Governor shall appoint their replacements to 3-year terms ending November 1, 1992;

2. When the terms of eight members expire November 1, 1990, the Governor shall appoint replacements for four of those members to 1-year terms ending November 1, 1991, and shall appoint replacements for four of those members to 3-year terms ending November 1, 1993; and

3. After the terms referred to in subparagraphs 1. and 2. have expired, the Governor shall appoint all members to 3-year terms.

(7)(5) The state ombudsman council shall elect a chairman for a term of 1 year from members who have served at least 1 year ~~from its second-year members~~. In no case may a person who is an owner, administrator, operator, or employee of a nursing home or long-term care facility, as defined in s. 400.301(2), may not be elected as chairman of the council. The chairman shall select a vice chairman ~~secretary~~ from among the members. The vice chairman ~~secretary~~ shall preside over ~~chair~~ the council in the absence of the chairman.

(8)(6) The state ombudsman council shall meet upon the call of the chairman, at least quarterly or more frequently as needed.

(9)(7)(a) Members shall receive no compensation but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061.

(b) The Commission on Aging ~~department~~ shall make a separate and distinct request for an appropriation for all expenses for the state and district councils ~~council~~. Such request may be combined into a specific appropriation for Commission on Aging ~~council~~ expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. ~~If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils and committees in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations may be made which increases the appropriation made by the Legislature for advisory council and committee expenses.~~

(10)(8) The state ombudsman council is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, including assistance from any adult protective services programs of the department as provided for under s. 409.026 and ss. 415.101-415.113.

(11)(9) The state ombudsman council shall enter into a cooperative agreement with the statewide and district human rights advocacy committees, as defined in s. 20.19(7) and (8), for the purpose of coordinating advocacy services provided to residents of nursing home and long-term care facilities.

Section 6. Subsections (1), (4), (5), (6), and (8) of section 400.307, Florida Statutes, are amended to read:

400.307 District nursing home and long-term care facility ombudsman councils; duties; membership.—

(1) There shall be at least one nursing home and long-term care facility ombudsman council in each of the districts of the department, which shall function under the direction of the state ombudsman council.

(4) Each district ombudsman council shall be composed of no less than 15 members and no more than 20 members from the district, to include the following: one medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility; one registered nurse who has geriatric experience, if possible; one nursing home administrator; one owner or operator of an adult congregate living facility; one licensed pharmacist; one registered dietitian; at least five nursing home residents or representative consumer advocates for nursing home residents; at least two long-term care facility residents or representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. In no case shall the medical director of a nursing home or a long-term care facility or an employee of the Department of Health and Rehabilitative Services serve as a member or as an ex officio member of a council. Except for the nursing home administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the council shall certify to having no association with a nursing home or long-term care facility for reward or profit. Any member who has an affiliation with a nursing home, adult congregate living facility, or adult foster home may not participate in any investigation or inspection of any facility with which he has such affiliation.

(5) All members shall be appointed to serve 3-year ~~2-year~~ terms. A member may not serve more than two consecutive terms ~~be reappointed thereafter~~. Upon expiration of a term and in case of any other vacancy, the council shall appoint a replacement by majority vote of the council, subject to the approval of the Governor. If no action is taken by the Governor to approve or disapprove the replacement of a member within 30 days after the council has notified the Governor of the appointment, the appointment of the replacement shall be considered approved. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(6) The district ombudsman council shall elect ~~from its second-year members~~ a chairman for a term of 1 year from members who have served at least 1 year. In no case shall a person who is an owner, administrator, operator, or employee of a nursing home or long-term care facility, as defined in s. 400.301(2), be elected as chairman of the council. The chair-

man shall select a *vice chairman secretary* from among the members of the council. The *vice chairman secretary* shall *preside over chair* the council in the absence of the chairman.

(8)(a) A member of a district ombudsman council shall receive no compensation but shall be reimbursed for travel expenses both within and outside the county of residence in accordance with the provisions of s. 112.061.

(b) ~~The department shall make a separate and distinct request for an appropriation for all expenses for each council which shall indicate the proposed distribution of such expenses among districts. Such request may be combined into a specific appropriation for council expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils and committees in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.202 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council and committee expenses.~~

Section 7. This act shall take effect October 1, 1989, except that this section and sections 1 through 3 shall take effect upon becoming a law.

Senator Weinstock moved the following amendment which was adopted:

Amendment 4—In title, on page 2, line 1, after the semicolon (;) insert: providing for future review and repeal of the commission;

Senator Woodson-Howard moved the following amendment which was adopted:

Amendment 5—In title, on page 2, line 1, after the semicolon (;) insert: amending s. 400.301, F.S.; providing legislative intent; amending s. 400.304, F.S.; requiring the State Unit on Aging of the Department of Health and Rehabilitative Services to contract with the Commission on Aging to operate an Office of the State Long-Term Care Ombudsman; providing duties and responsibilities of the department and the state council with respect to the program; requiring council members to be chosen from recommendations made as specified; changing the time period after which the council itself shall fill a vacancy; providing for staggering the terms of office of council members; deleting direction to the Department of Health and Rehabilitative Services and providing direction to the Commission on Aging to submit a separate budget request for the state and district councils; amending s. 400.307, F.S.; providing for district ombudsman councils to function under the direction of the state ombudsman council; limiting the number of terms and changing the length of terms of district council members; deleting direction to the department to submit a separate budget request for the district councils;

On motion by Senator Weinstock, by two-thirds vote CS for CS for SB 1298 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motion by Senator Weinstock, the rules were waived and CS for CS for SB 1298 was ordered immediately certified to the House.

On motion by Senator Walker, by two-thirds vote HB 1586 was withdrawn from the Committee on Governmental Operations.

Senator Deratany presiding

On motion by Senator Walker—

HB 1586—A bill to be entitled An act relating to the official state fiddle contest; creating s. 15.047, F.S.; providing an effective date.

—a companion measure, was substituted for SB 659 and read the second time by title. On motion by Senator Walker, by two-thirds vote HB 1586 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Forman	Langley	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	
Dudley	Kiser	Souto	

Nays—None

SB 712—A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; providing for the separation of minors and adults on such units; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 712 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Deratany	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 736—A bill to be entitled An act relating to ad valorem taxation; amending s. 197.222, F.S., which allows prepayment of estimated tax by the installment method; revising application and notice requirements and specifying that reapplication is not required under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 5, strike all of lines 13 and 14 and insert:

Section 2. Section 196.192, Florida Statutes, 1988 Supplement, is amended to read:

196.192 Exemptions from ad valorem taxation.—Subject to the provisions of this chapter:

(1) All property owned by an exempt entity and used exclusively for exempt purposes shall be totally exempt from ad valorem taxation.

(2) All property owned by an exempt entity and used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use.

(3) All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.

For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. This section shall not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.

Section 3. This section and section 2 of this act shall take effect upon becoming a law and section 2 of this act shall apply to the 1989 tax year and thereafter. The rest of this act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, between lines 7 and 8, insert: amending s. 196.192, F.S.; providing for exemption of tangible personal property loaned or leased to an exempt entity under certain conditions;

On motion by Senator Thurman, by two-thirds vote CS for SB 736 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motions by Senator Johnson, by two-thirds vote—

CS for HB 221—A bill to be entitled An act relating to commercial discrimination; amending s. 540.11, F.S.; providing definitions; prohibiting certain acts with respect to recorded sounds or performances; providing enhanced penalties for certain violations; providing exceptions; providing an effective date.

—a companion measure, was substituted for CS for SB 250 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 221 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 1237—A bill to be entitled An act relating to building designations; designating the Florida Highway Patrol Troop G Station in St. Augustine as the "Corporal C. L. Tomlinson, Jr., Highway Patrol Station"; directing the department to erect suitable markers; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 6 and 7, insert:

Section 3. The bridge on U.S. Highway 27 spanning the Ochlockonee River between Gadsden and Leon counties is hereby designated and named the C. Fred Arrington Bridge.

Section 4. The Department of Transportation is authorized and directed to erect appropriate markers designating the "C. Fred Arrington Bridge."

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike all of lines 2-7 and insert: An act relating to designation of state facilities; designating the Florida Highway Patrol Troop G Station in St. Augustine as the "Corporal C.L. Tomlinson, Jr., Highway Patrol Station"; directing the Department of Highway Safety and Motor Vehicles to erect suitable markers; designating the bridge over the Ochlockonee River between Gadsden and Leon counties as the "C. Fred Arrington Bridge"; authorizing the Department of Transportation to erect appropriate markers; providing an effective date.

On motion by Senator Bankhead, by two-thirds vote SB 1237 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 1218—A bill to be entitled An act relating to telecommunications; requiring the Florida Public Service Commission to prepare a report to the Legislature on the status of competition in the telecommunications industry in this state; providing for contents and submission of the report; requiring the Office of the Public Counsel to prepare a report to the Legislature on the ratepayers' perspective to such competition; providing for contents and submission of the report; providing that the provisions of ch. 364, F.S., relating to telephone companies, are not repealed October 1, 1989, notwithstanding repeals scheduled pursuant to various acts; repealing ss. 364.01-364.385, F.S., relating to telephone companies, effective October 1, 1990; providing for review of such sections in advance of repeal; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

Amendment 1—On page 5, between lines 25 and 26, insert:

Section 8. The exemption from s. 119.07(1), Florida Statutes, provided in s. 364.183, Florida Statutes, shall not be subject to review pursuant to the Open Government Sunset Review Act.

(Renumber subsequent sections.)

Senator Stuart moved the following amendment:

Amendment 2—On page 5, between lines 4 and 5, insert:

Section 6. Section 364.015, Florida Statutes, is created to read:

364.015 Standards of conduct.—Public Service Commissioners and their assistants may not socialize with, or accept gifts, honoraria, or social hospitality from, parties, representatives, or agents of parties whose interests may be determined or affected by rule or order of the commission. Neither a commissioner nor a commissioner's assistant may initiate, participate in, or consider *ex parte* communications concerning a pending or impending adversarial proceeding.

(Renumber subsequent sections.)

Further consideration of **CS for SB 1218** as amended was deferred.

SB 1222—A bill to be entitled An act relating to Private Wire Services; repealing ss. 365.01-365.14, F.S., relating to the regulation of private wire services; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 1222 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	Gordon	Meek	Walker
Childers, W. D.	Grant	Myers	Weinstein
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 113—A bill to be entitled An act relating to international development banks; amending s. 663.301, F.S.; modifying the definition of "international development bank"; defining "regional development bank"; amending s. 663.306, F.S.; prohibiting the Department of Banking and Finance from approving an application to organize an international development bank if it finds that the applicant's paid-in capital stock is less than \$400,000 in the case of a not-for-profit corporation or that required for Florida state banks in the case of a corporation for profit; amending s. 663.307, F.S.; prohibiting the use of specified words in the name of an international development bank unless authorized by federal law; prescribing a penalty; amending s. 663.309, F.S.; authorizing international development banks to extend credit to foreign governments; authorizing international development banks to provide financing for import-export transactions as allowed under federal law; prohibiting international development banks from offering deposit accounts other than those allowed to be offered by an international bank agency; amending s. 663.313, F.S.; modifying the stock ownership requirements applicable to international development banks; amending s. 663.314, F.S.; prescribing lending limits for international development banks; amending s. 663.316, F.S.; requiring international development banks to have a capital account of not less than 8 percent of their aggregate deposits; amending s. 663.317, F.S.; allowing such banks to accept deposits denominated in foreign currencies; amending s. 663.318, F.S.; requiring international development banks organized for profit to maintain liquidity reserves equal to the reserves of state banks; providing an exception; creating s. 663.319, F.S.; providing rulemaking authority to the Department of Banking and Finance; amending s. 34, ch. 88-201, Laws of Florida; extending the existence of the International Banking and Trade Study Commission; providing for reports; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Malchon	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	
Deratany	Langley	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Gardner, by two-thirds vote HB 1440 was withdrawn from the Committee on Commerce.

On motion by Senator Gardner—

HB 1440—A bill to be entitled An act relating to corporations; amending s. 607.111, F.S.; providing that a member of the board of directors of a corporation may consider certain factors in discharging his duties; providing an effective date.

—a companion measure, was substituted for SB 864 and read the second time by title.

Senators Gardner and Grant offered the following amendments which were moved by Senator Gardner and adopted:

Amendment 1—On page 1, between lines 21 and 22, insert:

Section 2. Section 607.058, Florida Statutes, is created to read: Terms and conditions of stock rights and options.—

The terms and conditions of stock rights and options which are created and issued by a corporation formed under chapter 607, Florida Statutes, or its successor, and which entitle the holders thereof to purchase from the corporation shares of any class or classes, whether authorized but unissued shares, treasury shares, or shares to be purchased or acquired by the corporation, may include, without limitation, restrictions, or conditions that preclude or limit the exercise, transfer, receipt, or holding of such rights or options by any person or persons, including any person or persons owning or offering to acquire a specified number or percentage of the outstanding common shares or other securities of the corporation, or any transferee or transferees of any such person or persons, or that invalidate or void such rights or options held by any such person or persons or any such transferee or transferees.

Section 3. If this act and any other act amending chapter 607, Florida Statutes, become law but contain different effective dates, this act shall take effect on the earliest of such conflicting dates. This act is intended to govern all rights and options outstanding as of the effective date of this act.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 6, after "date" and before the period (.) insert: ; creating s. 607.058, F.S.; clarifying conditions on stock rights plans

On motion by Senator Gardner, by two-thirds vote HB 1440 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Forman	Kiser	Ros-Lehtinen
Beard	Gardner	Langley	Scott
Brown	Girardeau	Malchon	Souto
Bruner	Gordon	Margolis	Stuart
Casas	Grant	McPherson	Thomas
Childers, D.	Grizzle	Meek	Thurman
Davis	Jennings	Myers	Weinstein
Deratany	Johnson	Peterson	Weinstock
Dudley	Kirkpatrick	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crenshaw, Walker

On motion by Senator Gardner, the rules were waived and HB 1440 was ordered immediately certified to the House.

Motion to Reconsider

Senator Dudley moved that the Senate reconsider the vote by which SB 81 passed this day.

On motion by Senator Langley, by two-thirds vote HB 643 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Langley—

HB 643—A bill to be entitled An act relating to general assignments; amending s. 727.103, F.S.; redefining the term "liquidation value"; amending s. 727.104, F.S.; increasing the number of days before being required to file the assignee's bond; providing an effective date.

—a companion measure, was substituted for SB 762 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 643 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

The President presiding

CS for SB 627—A bill to be entitled An act relating to the regulation of dentistry; creating s. 466.041, F.S.; requiring certain persons who are carriers of hepatitis B virus to notify the Board of Dentistry; providing for reports and practice requirements; providing for confidentiality; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 627 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

SB 647—A bill to be entitled An act relating to harness racing; creating s. 550.525, F.S.; providing harness racing dates for certain permit-holders, known as the "Florida Harness Racing Season"; providing for application to conduct race meetings; providing a time limitation; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator McPherson and adopted:

Amendment 1—On page 1, lines 23 and 24, strike "not to exceed 175 days" and insert: not to exceed 170 days in addition to scholarship and charity performances and any Breeders' Crown Meet

Senator McPherson moved the following amendments which were adopted:

Amendment 2—On page 2, between lines 10 and 11, insert:

Section 2. Subsection (4) is added to section 550.10, Florida Statutes, 1988 Supplement, to read:

550.10 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(4) *In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall promulgate rules to implement this subsection with due regard for the special circumstances of the participants in the Breeders' Cup and Breeders' Crown horseracing meets, and for these meets only may establish license fees lower than the annual license fees set forth in this section. However, no temporary occupational license shall be valid for more than 30 days, and no more than one temporary license shall be issued for any person in any year.*

(Renumber subsequent section.)

Amendment 3—On page 1, line 7, after the semicolon (;) insert: amending s. 550.10, F.S.; providing for the issuance of certain temporary occupational licenses;

On motion by Senator McPherson, by two-thirds vote SB 647 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Ros-Lehtinen

On motion by Senator Dudley, the rules were waived and **SB 647** was ordered immediately certified to the House.

Consideration of **SB 137** was deferred.

CS for SB 191—A bill to be entitled An act relating to satisfaction of liens; providing that when a lien is fully paid the creditor shall be required to record satisfaction of the lien; requiring notice to the party paying the lien; providing for enforcement and penalties; providing an effective date.

—was read the second time by title. On motion by Senator Casas, by two-thirds vote CS for SB 191 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Stuart
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Jennings	Plummer	
Crenshaw	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—None

On motion by Senator Thurman, by two-thirds vote HB 226 was withdrawn from the Committee on Ethics and Elections.

On motion by Senator Thurman—

HB 226—A bill to be entitled An act relating to elections; amending s. 102.012, F.S.; providing that certain qualified electors in the county, rather than the precinct, can be appointed as poll inspectors or clerks; providing an effective date.

—a companion measure, was substituted for SB 418 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 226 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kiser	Ros-Lehtinen
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 137—A bill to be entitled An act relating to county government; amending s. 125.68, F.S.; providing certain exceptions to the requirement that counties codify and annually publish all county ordinances; requiring that records be kept and certain notations be made of ordinances that are so exempt; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 137 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

On motion by Senator Kiser, the rules were waived and **SB 137** was ordered immediately certified to the House.

SB 570—A bill to be entitled An act relating to agriculture; creating the Florida Tropical Fruit Policy Act; providing legislative declarations and findings; creating the Tropical Fruit Advisory Council; providing for council membership, terms of office, reimbursement of expenses, meetings, and responsibilities; requiring the development of a South Florida Tropical Fruit Plan; directing the Commissioner of Agriculture to submit the plan to specified officials; specifying contents of the plan; requiring an annual progress report and budget request; requiring biennial revision and update of the plan; providing an appropriation; providing for review and repeal; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Souto and adopted:

Amendment 1—On page 2, between lines 18 and 19, insert:

(4) The Legislature also declares that the term "tropical fruit," as used in this act, does not include citrus fruit as defined in chapter 601, Florida Statutes.

Amendment 2—On page 2, line 29, strike "2-year term by the Commissioner of Agriculture" and insert: 4-year term by the Commissioner of Agriculture. Initially, the Commissioner of Agriculture shall appoint two members for a term of 4 years, two members for a term of 3 years, two members for a term of 2 years, and two members for a term of 1 year. Thereafter, members shall be appointed for 4-year terms.

On motion by Senator Souto, by two-thirds vote SB 570 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dudley	Kiser	Ros-Lehtinen
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Gordon	Margolis	Thomas
Casas	Grant	McPherson	Thurman
Childers, D.	Grizzle	Meek	Walker
Childers, W. D.	Jennings	Myers	Weinstein
Davis	Johnson	Peterson	Weinstock
Deratany	Kirkpatrick	Plummer	Woodson-Howard

Nays—1

Bruner

On motion by Senator Souto, the rules were waived and **SB 570** was ordered immediately certified to the House.

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote SB 889 and CS for SB 977 were withdrawn from the Committee on Judiciary-Civil; CS for CS for SB 997 was withdrawn from the Committee on Rules and Calendar; SB 703 was withdrawn from the Committee on Regulated Industries; CS for SB 1355 was withdrawn from the Committee on Governmental Operations; CS for SB 1467 was withdrawn from the Committee on Education; and SB 1077 was withdrawn from the Committee on Health Care.

On motion by Senator Margolis, by two-thirds vote SB 434 was withdrawn from the Committee on Appropriations.

On motions by Senator Scott, the rules were waived and the Committees on Appropriations; and Finance, Taxation and Claims were granted permission to meet May 26 from 8:00 a.m. until 9:00 a.m.; and the Committee on Commerce was granted permission to meet May 25 from 12:00 noon until 1:15 p.m.

On motion by Senator D. Childers, the rules were waived and the Committee on Commerce was granted permission to consider Senate Bills 446, 468, 1409, 475, 624, 1397 and CS for SB 1469 at the meeting May 25.

Ruling on Point of Order

Senator Scott reported that the committee appointed to make a recommendation on the point of order raised by Senator Kiser on the motion by Senator Gordon to take up CS for HB 855 instantan had found the point well taken and that unanimous consent of the Senate would be required to take up the bill instantan.

The President ruled the point well taken.

Motions

On motion by Senator Dudley, by two-thirds vote CS for HB 332 was placed on the special order calendar.

On motion by Senator Scott, the rules were waived and the May 26 afternoon session was changed to 1:15 p.m. in lieu of 1:00 p.m.

RECESS

On motion by Senator Scott, the Senate recessed at 12:05 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:25 p.m. A quorum present—35:

Mr. President	Deratany	Johnson	Plummer
Bankhead	Dudley	Kirkpatrick	Ros-Lehtinen
Beard	Forman	Kiser	Scott
Brown	Gardner	Langley	Souto
Bruner	Girardeau	Malchon	Thomas
Childers, D.	Gordon	Margolis	Walker
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	

Excused: Senators Thurman, Casas and Weinstein until 1:45 p.m., and Senator Ros-Lehtinen at 3:30 p.m.

Consideration of Resolution and Memorial

On motion by Senator Kirkpatrick, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Kirkpatrick—

SR 1549—A resolution commending Gary L. Frysinger for his accomplishments.

WHEREAS, Gary L. Frysinger started work with the Department of Corrections in July 1982, and became the residential electrical wiring instructor in April 1983, and

WHEREAS, he was selected as the Cross City Correctional Employee of the Year for 1987, based upon his outstanding performance in education and in the design and construction of a pistol range control system, and

WHEREAS, Gary L. Frysinger was selected as the Cross City Correctional Institution Teacher of the Year for 1988-1989, and was selected as the Florida Correctional Education School Authority Teacher of the Year for 1988-1989 for Cross City, and

WHEREAS, he was selected as the region VIII Teacher of the Year by the Correctional Education Association and will represent region VIII at the national conference in Colorado Springs, Colorado, in July 1989, and

WHEREAS, Gary L. Frysinger should be commended for his accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate hereby commends Gary L. Frysinger for his outstanding accomplishments as an educator.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Gary L. Frysinger as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Kirkpatrick, SR 1549 was read the second time in full and adopted.

At the request of the President, Senators Kirkpatrick and Plummer escorted Mr. and Mrs. Frysinger to the rostrum where Mr. Frysinger was presented a copy of the resolution.

On motion by Senator Ros-Lehtinen, by two-thirds vote SM 261 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Ros-Lehtinen—

SM 261—A memorial to the United States Postal Service, urging it to adopt a postage stamp commemorating the 50th anniversary of the creation of Airborne paratrooper units in the United States Army.

WHEREAS, paratrooper units of the United States Army were first created in July 1940, which marks the beginning of the "Airborne" era in American military history, and

WHEREAS, Airborne units contributed significantly to the Allied victory in the Second World War, including paratroop assaults in North Africa, Sicily, Italy, Normandy, and Holland, and

WHEREAS, Airborne combat assaults (parachute jumps) were conducted in the Korean War and the Vietnam War, as well as in other hostile military situations, such as the action in Grenada, and

WHEREAS, paratroopers continue to serve in various military units throughout the United States Army, from division-strength units to specialized units, such as Ranger Light Infantry and Special Forces Green Beret units, and

WHEREAS, thousands of United States paratroopers have sacrificed their lives to protect our Republic, and thousands remain ready today to sacrifice their lives to protect the Republic, and

WHEREAS, 1990 marks the 50th anniversary of the development of the Airborne concept of warfare and the creation of Airborne paratrooper units in the United States Army, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the United States Postal Service is urged to adopt a postage stamp commemorating the 50th anniversary, in 1990, of the creation of Airborne paratrooper units in the United States Army.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the Postmaster General of the United States Postal Service.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House.

SPECIAL ORDER, continued

Consideration of **CS for SB 713** was deferred.

On motion by Senator Kirkpatrick—

SCR 1146—A resolution stating the Legislature's position on a comprehensive waste management system, including a multipurpose hazardous waste treatment facility and the siting of hazardous waste facilities for the storage, treatment, and disposal, other than land disposal, of hazardous waste.

WHEREAS, this state depends upon its natural groundwater resources for more than 90 per cent of its drinking water, and

WHEREAS, this state is an environmentally sensitive peninsula with a high water table and very porous soils, and

WHEREAS, hazardous waste placed in the vicinity of the four major aquifer systems which underly the state is not an acceptable disposal method, and

WHEREAS, this state needs proper management of hazardous waste, and

WHEREAS, this state has aggressively pursued and has recommended a site for the establishment of a multipurpose hazardous waste treatment facility, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the land disposal of hazardous waste is not an acceptable disposal method in this state; that there is a need for a comprehensive waste management system including a multipurpose hazardous waste treatment facility; that the Legislature has not and does not intend to enact barriers to the movement of hazardous waste and the siting of hazardous waste facilities for the storage, treatment, and disposal, other than land disposal, of hazardous waste; and that the state will work diligently and expeditiously with the private sector toward the siting, construction, and operation of such a facility.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the Governor of South Carolina, the President of the South Carolina Senate, and to the Speaker of the South Carolina House of Representatives.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—30

Mr. President	Dudley	Johnson	Plummer
Bankhead	Forman	Kirkpatrick	Ros-Lehtinen
Beard	Gardner	Kiser	Scott
Brown	Girardeau	Langley	Souto
Bruner	Gordon	Malchon	Weinstock
Childers, D.	Grant	Margolis	Woodson-Howard
Childers, W. D.	Grizzle	Meek	
Davis	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Deratany, Walker

On motion by Senator Kirkpatrick, the rules were waived and **SCR 1146** was ordered immediately certified to the House.

SB 1023—A bill to be entitled An act relating to liens; amending s. 713.03, F.S.; including attorneys within a list of persons who are entitled to a lien on real property for professional services; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote SB 1023 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Bankhead	Forman	Kirkpatrick	Peterson
Beard	Gardner	Kiser	Plummer
Brown	Girardeau	Langley	Ros-Lehtinen
Bruner	Gordon	Malchon	Souto
Childers, D.	Grant	Margolis	Walker
Davis	Grizzle	McPherson	Weinstock
Deratany	Jennings	Meek	Woodson-Howard
Dudley	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—W. D. Childers

Yea to Nay—Meek

CS for SB 1109—A bill to be entitled An act relating to the sale of alcoholic beverages; amending s. 565.02, F.S.; repealing a prohibition on the sale of alcoholic beverages on steamships and buses while not in tran-

sit; repealing a requirement that an operator of a steamship, bus, or airplane file a specified tariff under certain circumstances and post a certified copy of his alcoholic beverage vendor license on the steamship, bus, or airplane to which such license applies; requiring an operator of a steamship, bus, or airline to file certain information with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation upon applying for an alcoholic beverage vendor license and upon applying for license renewal; requiring such an operator to pay an additional license tax for each steamship, bus, or airplane to which such license applies; authorizing the division to grant a special liquor license to sell and serve alcoholic beverages on certain pleasure, excursion, sight-seeing, or charter boats while docked at a docking facility or marina, subject to certain conditions; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendment which was adopted:

Amendment 1—On page 4, between lines 28 and 29, insert:

Section 2. Paragraph (a) of subsection (2) of section 561.20, Florida Statutes, 1988 Supplement, is amended, and a new subsection (11) is added to said section, to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) No such limitation of the number of licenses as herein provided shall henceforth prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel of fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants, and which is listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, or is within and contributes to a registered historic district pursuant to 26 U.S.C. 48(g)(3)(B), or has been found to meet the criteria of historical significance of the Division of Historical Resources of the Department of State, as certified by that division or by a locally established historic preservation board or commission, or like body, which has been granted authority to designate historically significant properties by the jurisdiction within which the hotel or motel is located; provided that the provisions of this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under the provisions of chapter 509, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under the provisions of chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation which operates the hotel or motel operation and not to the association of condominium owners; or

4. Any restaurant having 2,500 square feet of service area and equipped to serve 150 persons full-course meals at tables at one time, and deriving at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages; however, no restaurant granted a special license on or after January 1, 1958, pursuant to general or special law shall operate as a package store, nor shall intoxicating beverages be sold under such license after the hours of serving food have elapsed. However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under the provisions of this

law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under the provisions of this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

(11) *Notwithstanding any other provision of law, any license to sell or serve alcoholic beverages issued to a port authority, as defined in s. 315.02, entitles that port authority, or the lessee or lessees which it may choose, to sell and serve alcoholic beverages at any terminal within the port jurisdictional boundaries upon annual payment to the division of an annual fee equivalent to the annual license fee for each sales or service location. However, any lessees chosen by the port authority shall meet the criteria for licensure for sales and service of alcoholic beverages.*

(Renumber subsequent section.)

Senator Grizzle moved the following amendment which was adopted:

Amendment 2—On page 4, between lines 28 and 29, insert:

Section 2. Subsection (2) of section 561.32, Florida Statutes, is amended to read:

561.32 Transfer of licenses; change of officers or directors; transfer of interest.—

(2)(a) No one shall be entitled as a matter of right to a transfer of a license or interest in a license to a relative or to any other person or to change of executive officers or directors when the division has notified the licensee in writing that revocation or suspension proceedings have been or will be brought against the license or;

(b) *When a licensee, executive officer, director, or person holding an interest in the license or business has been arrested, charged, indicted, convicted, or has appealed the conviction, of a crime which is disqualifying under the alcoholic beverage laws. Any licensee, executive officer, director, or person holding an interest in a license or business who is arrested, charged, indicted, convicted or has appealed the conviction of a crime which is disqualifying under the alcoholic beverage laws is required to immediately notify the division in writing of such action. It shall be unlawful to transfer or attempt to transfer any license or interest in a license or business or change executive officers or directors contrary to the provisions of this section.*

(c) *The term "relative" with respect to this section means an individual who is related to the licensee, executive officer, director, or person holding an interest as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half brother, or half sister.*

(d) ~~and~~ *The transfer of such license or financial interest in such license or the change of executive officers or directors in any such case shall be within the discretion of the division.*

(Renumber subsequent section.)

Senator Bankhead moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 26, after the semicolon (;) insert: amending s. 561.20, F.S.; revising the qualifications for certain special alcoholic beverage licenses; authorizing port authorities that have alcoholic beverage licenses to sell and serve alcoholic beverages at any terminal within the port upon payment of an annual fee; specifying requirements for a lessee of such a port to serve alcoholic beverages;

Senator Grizzle moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 26, after the semicolon (;) insert: amending s. 561.32, F.S.; prohibiting the transfer of beverage licenses under certain circumstances;

On motion by Senator Bankhead, by two-thirds vote CS for SB 1109 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Forman	Johnson	Plummer
Bankhead	Gardner	Kirkpatrick	Ros-Lehtinen
Beard	Girardeau	Kiser	Souto
Brown	Gordon	Malchon	Walker
Bruner	Grant	McPherson	Weinstein
Deratany	Grizzle	Meek	Weinstock
Dudley	Jennings	Myers	Woodson-Howard

Nays—3

Childers, D. Langley Peterson

Vote after roll call:

Yea—W. D. Childers, Stuart

Abstention from Voting

I abstained from voting on CS for SB 1109 because of a possible conflict of interest.

Helen Gordon Davis, 23rd District

On motion by Senator Kirkpatrick, by unanimous consent—

CS for SB 1413—A bill to be entitled An act relating to cholesterol screening; creating the "Cholesterol Screening Act"; providing definitions; providing for direct supervision of cholesterol screening services by a licensed clinical laboratory or licensed physician; requiring a person or business that performs screening services to be licensed by the Department of Health and Rehabilitative Services; providing fees; requiring periodic onsite inspections by the supervisor and by the department; requiring the department to adopt rules that set standards and providing guidelines for the standards; providing for complaints and investigations; providing for temporary restraining orders; providing administrative penalties; prohibiting the performing of cholesterol screening without a license; providing penalties; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 2, line 15, strike "works for" and insert: is supervised by

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 2—On page 4, strike all of lines 14-21

Amendment 3—On page 4, line 29, strike "and supervision" and insert: , supervision, and demonstration of a level of proficiency

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 1413 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Bankhead	Bruner	Deratany	Gardner
Beard	Childers, D.	Dudley	Girardeau
Brown	Davis	Forman	Gordon

Grant	Kiser	Meek	Thomas
Grizzle	Langley	Myers	Walker
Jennings	Malchon	Ros-Lehtinen	Weinstock
Johnson	Margolis	Scott	
Kirkpatrick	McPherson	Souto	

Nays—1

Woodson-Howard

Vote after roll call:

Yea—W. D. Childers, Peterson, Stuart

On motion by Senator Souto, the rules were waived and CS for SB 1413 was ordered immediately certified to the House.

Senator W. D. Childers presiding

CS for CS for SB 749—A bill to be entitled An act relating to education; amending s. 232.26, F.S.; requiring the suspension and expulsion of any public school student in grade 6 or above found in unauthorized possession of a firearm or weapon while on certain public school property or in attendance at a school function; prescribing procedures for expulsion; prescribing the duration of the expulsion; authorizing alternative educational programs for such students; providing conditions for reentry; amending s. 240.133, F.S.; requiring the expulsion of any state university or community college student found in unauthorized possession of a firearm or weapon while on certain state university or community college property; prescribing the duration of the expulsion; providing an effective date.

—was read the second time by title.

Senators D. Childers and Stuart offered the following amendment which was moved by Senator D. Childers and adopted:

Amendment 1—On page 3, lines 5 and 6, strike " , knife that has a blade longer than 3 inches,"

On motion by Senator D. Childers, by two-thirds vote CS for CS for SB 749 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Bankhead	Dudley	Johnson	Ros-Lehtinen
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Deratany	Jennings	Plummer	

Nays—1

Davis

Vote after roll call:

Yea—Kirkpatrick

Motion

On motion by Senator Woodson-Howard, by unanimous consent SB 1234 was withdrawn from further consideration of the Senate.

SB 727—A bill to be entitled An act relating to postsecondary education; amending s. 240.404, F.S.; requiring demonstration of good conduct and high moral character for student eligibility for state financial aid awards; providing an effective date.

—was read the second time by title.

The Committee on Higher Education recommended the following amendment which was moved by Senator Johnson and adopted:

Amendment 1—On page 2, lines 6-8, strike on line 6 after "been" through "775.082" on line 8 and insert: *convicted or adjudicated delinquent for any felony or first degree misdemeanor as defined in ss. 775.08 and 775.081*

On motion by Senator Johnson, by two-thirds vote SB 727 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Kiser	Ros-Lehtinen
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Senator Langley presiding

SB 645—A bill to be entitled An act relating to corporations not for profit; amending s. 617.09, F.S.; providing for the recovery by the state of moneys improperly received by a corporation not for profit or its officers and directors as a result of a transaction affected by a conflict of interest or from which improper benefits were derived; prescribing the use of such moneys; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendments which were moved by Senator Davis and adopted:

Amendment 1—On page 2, line 1, strike “believed that”

Amendment 2—On page 2, line 2, strike “it had”

Amendment 3—On page 3, line 15, strike “state” and insert: *corporation, or its unknown beneficiaries.*

Amendment 4—On page 3, line 16, after the period (.), strike “Any such recovery must be used for the benefit of the public health, education or welfare.”

Senator Davis moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 9, strike “prescribing the use of such moneys;”

On motion by Senator Davis, by two-thirds vote SB 645 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Bankhead	Gardner	Malchon	Souto
Beard	Girardeau	Margolis	Stuart
Brown	Gordon	McPherson	Thomas
Casas	Grant	Meek	Thurman
Childers, D.	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Deratany	Johnson	Plummer	Woodson-Howard
Dudley	Kiser	Ros-Lehtinen	
Forman	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Bruner, W. D. Childers, Kirkpatrick, Walker

CS for SB 1396—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; authorizing district school boards to designate final examination days for secondary school students; amending s. 230.2319, F.S.; revising procedures for approval of certain program plans by the Department of Education; revising the manner in which funding for such programs is allocated; deleting requirement that certain amounts revert to the General Revenue Fund; amending s. 236.013, F.S.; defining the term “full-time student” based upon the number of hours of instruction per year rather than the number of such hours per week; prescribing the maximum value for funding for certain students; amending s. 236.02,

F.S.; providing conforming language; authorizing the State Board of Education to alter the requirements for a minimum school term during a state emergency; amending s. 236.081, F.S.; deleting the cost category of partnership in the Florida Education Finance Program; deleting conflicting language in the procedure for calculating the program enrollment cap; reordering the steps in the program calculation procedure; amending s. 236.13, F.S.; providing for the credit of interest or profits on funds invested by a school board; providing requirements for the advancement of moneys from one fund to another by a school board; amending s. 236.25, F.S.; clarifying the purposes for which proceeds from the discretionary capital outlay millage may be used; amending s. 236.49, F.S.; revising requirements relating to the investment of bond proceeds; amending s. 236.55, F.S.; revising requirements relating to the investment of interest and sinking funds collected for the retirement of bonds; amending s. 237.141, F.S.; providing additional purposes for which indebtedness may be incurred by a school board; amending s. 237.151, F.S.; revising requirements relating to the retirement of loan obligations by a school board; amending ss. 237.161, 237.162, F.S.; providing for the extension of certain loan obligations; authorizing school boards to invest accumulated cash assets; amending s. 237.34, F.S.; revising certain program expenditure requirements; amending s. 240.1161, F.S.; providing for school districts to enter into interinstitutional articulation agreements; repealing s. 236.092(2), F.S., relating to funding for the purchase and maintenance of computers and scientific equipment; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for SB 1396 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Forman	Langley	Scott
Beard	Gardner	Malchon	Souto
Brown	Girardeau	Margolis	Stuart
Casas	Gordon	McPherson	Thomas
Childers, D.	Grant	Meek	Thurman
Childers, W. D.	Grizzle	Myers	Walker
Davis	Jennings	Peterson	Weinstein
Deratany	Johnson	Plummer	Weinstock
Dudley	Kiser	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

CS for SB 713—A bill to be entitled An act relating to remedies for unlawful discriminatory practices; creating s. 760.07, F.S.; providing for a right of action for equitable remedies and actual and punitive damages for persons aggrieved by discriminatory practices in the areas of education, employment, housing, and public accommodations; providing for attorney’s fees and court costs; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 713 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Forman	Langley	Scott
Beard	Gardner	Malchon	Souto
Brown	Girardeau	Margolis	Stuart
Casas	Gordon	McPherson	Thomas
Childers, D.	Grant	Meek	Thurman
Childers, W. D.	Grizzle	Myers	Walker
Davis	Jennings	Peterson	Weinstein
Deratany	Johnson	Plummer	Weinstock
Dudley	Kiser	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

On motion by Senator Gordon, the rules were waived and **CS for SB 713** was ordered immediately certified to the House.

CS for CS for SB 224—A bill to be entitled An act relating to environmental control; creating s. 403.7084, F.S.; requiring tracking of biohazardous waste from the generator to the treatment facility; providing for a tracking system; providing for inspections; providing for monitoring and testing; providing penalties; amending s. 381.80, F.S.; providing for standards for the segregation, safe packaging, placement, and labeling of biohazardous waste; providing for immunity for generators contracting with certain transporters; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 3, strike all of lines 7-12

On motion by Senator D. Childers, by two-thirds vote CS for CS for SB 224 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Casas	Girardeau	Margolis	Thomas
Childers, D.	Gordon	McPherson	Thurman
Childers, W. D.	Grant	Meek	Walker
Crenshaw	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Deratany	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

CS for SB 1066—A bill to be entitled An act relating to the district school system; amending s. 230.645, F.S.; authorizing school boards to establish a consumable supply fee for postsecondary students enrolled in certain programs or courses when the course or program expenditure exceeds revenue; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 1066 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Beard	Forman	Kiser	Scott
Brown	Gardner	Langley	Souto
Casas	Girardeau	Malchon	Thomas
Childers, D.	Gordon	Margolis	Thurman
Childers, W. D.	Grant	McPherson	Walker
Davis	Grizzle	Meek	Weinstein
Deratany	Jennings	Myers	Weinstock
Dudley	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick, Stuart

On motion by Senator Forman, the rules were waived and **CS for SB 1066** was ordered immediately certified to the House.

CS for SB 225—A bill to be entitled An act relating to plumbing; amending s. 553.01, F.S.; designating part I of chapter 553, F.S., as the Florida Plumbing Control Act; amending s. 553.04, F.S.; requiring persons who wish to engage in plumbing in counties in which there is no county plumbing inspector to give bond; amending s. 553.041, F.S.; providing exemptions from bonding requirements; amending s. 553.05, F.S.; providing that all municipalities, regardless of size, are subject to county plumbing inspection unless exempted by the board of county commissioners; amending s. 553.06, F.S.; transferring the authority over the State Plumbing Code from the Department of Health and Rehabilitative Services to the Board of Building Codes and Standards of the Department of Community Affairs; amending ss. 553.07, 553.08, F.S., to conform; amending s. 553.11, F.S.; providing that the Florida Plumbing Control Act is inapplicable in counties, municipalities, or districts in which the Standard Plumbing Code, South Florida Plumbing Code, or EPCOT Plumbing Code is in effect and is inapplicable to any state agency that

has building construction responsibility; amending s. 553.77, F.S.; authorizing the Board of Building Codes and Standards to appoint an advisory committee of plumbing contractors; providing that rules and administrative or judicial proceedings related to the plumbing control act are not affected by the transfer of responsibilities to the Board of Building Codes and Standards; repealing s. 553.09, F.S., relating to an advisory council to the Division of Health; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Malchon:

Amendment 1—On page 13, between lines 6 and 7, insert:

Section 13. The sum of \$45,108 is hereby appropriated to the Department of Community Affairs for the purpose of administering the provisions of this act.

(Renumber subsequent section.)

Senator Stuart moved the following substitute amendment which was adopted:

Amendment 2—On page 13, between lines 6 and 7, insert:

Section 13. There is hereby appropriated to the Department of Community Affairs \$45,108 from the General Revenue Fund for Fiscal Year 1989-90, for the purpose of administering this act.

(Renumber subsequent section.)

The Committee on Appropriations recommended the following amendment which was moved by Senator Malchon:

Amendment 3—In title, on page 2, line 5, after the semicolon (;) insert: providing an appropriation;

Senator Stuart moved the following substitute amendment which was adopted:

Amendment 4—In title, on page 2, line 5, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Malchon, by two-thirds vote CS for SB 225 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Scott	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

On motion by Senator Dudley, by two-thirds vote CS for HB 877 was withdrawn from the Committee on Economic, Professional and Utility Regulation.

On motion by Senator Dudley—

CS for HB 877—A bill to be entitled An act relating to acupuncture; amending s. 457.105, F.S.; modifying qualifications for certification to practice acupuncture; providing an effective date.

—a companion measure, was substituted for SB 487 and read the second time by title.

Further consideration of **CS for HB 877** was deferred.

CS for SB's 271 and 41—A bill to be entitled An act relating to educational finance; amending s. 236.081, F.S., relating to the Florida Education Finance Program; providing for the calculation of additional full-time equivalent student membership based on international baccalaure-

ate examination scores and diploma awards; revising such calculation based on college board advanced placement scores; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB's 271 and 41 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Bankhead	Dudley	Johnson	Thurman
Beard	Forman	Langley	Walker
Brown	Gardner	Malchon	Weinstein
Casas	Girardeau	Margolis	Weinstock
Childers, W. D.	Gordon	McPherson	Woodson-Howard
Crenshaw	Grant	Myers	
Davis	Grizzle	Plummer	
Deratany	Jennings	Thomas	

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

CS for SB 1285—A bill to be entitled An act relating to mortgages; amending s. 494.02, F.S.; providing definitions; amending s. 494.03, F.S.; providing additional exemptions from the Mortgage Brokerage Act; creating s. 494.036, F.S.; providing for certification of registrants; amending s. 494.039, F.S.; changing requirements for registration of mortgage brokerage businesses to require a minimum net worth; amending s. 494.0391, F.S.; providing for rules; amending s. 494.055, F.S.; providing for denial or suspension of registration for failure to maintain minimum net worth; amending s. 494.08, F.S.; changing requirements and prohibitions; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for SB 1285 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Bankhead	Deratany	Langley	Thomas
Beard	Dudley	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Bruner, Kirkpatrick

Consideration of **CS for SB 532** was deferred.

CS for SB 817—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term "motor vehicle" for purposes of the regulation of motor vehicle service agreement companies; amending s. 634.041, F.S.; revising criteria for qualifications for licensure as a motor vehicle service agreement company to provide for the deposit of certain funds and the purchase of insurance; amending s. 634.081, F.S.; providing an additional criterion for the Department of Insurance to consider prior to the suspension or revocation of a license or the refusal to renew a license; amending s. 634.301, F.S.; providing definitions; providing for a home warranty to include contracts or agreements for certain home improvements; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendment:

Amendment 1—On page 3, strike line 3 and the remainder of the bill and insert:

634.301 Definitions.—As used in this part, the term:

(1) "Capital surplus" means the entire surplus of an association other than its earned surplus.

(2) "Department" means the Department of Insurance of this state.

(3) "Earned surplus" means the portion of the surplus of an association that is equal to the balance of its net profits, income, gains, and losses from the date of incorporation or existence, or from the latest date on which a deficit in earned surplus was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent that such distributions and transfers are made out of earned surplus. The term "earned surplus" also includes any portion of surplus allocated to earned surplus in mergers, consolidations, or acquisitions of all or substantially all of the outstanding shares, or of the property and assets, of another corporation, domestic or foreign.

(4) "Home warranty" or "warranty" means any contract or agreement:

(a) Offered in connection with the sale of residential property; or

(b) Offered in connection with a loan of \$5,000 or more which is secured by residential property, which property is the subject of the warranty, ~~but not in connection with the sale of such property;~~

(c) *Offered in connection with the installation of an inground swimming pool costing \$5,000 or more, which pool is the only subject of the warranty; or*

(d) *As outlined in s. 634.3011;*

whereby a person undertakes to indemnify the warranty holder against the cost of repair or replacement, or actually furnishes repair or replacement, of any structural components and appliances ~~component or appliance~~ of a home or only structural components of a home, necessitated by wear and tear or an inherent defect of any such structural component or appliance or necessitated by the failure of an inspection to detect the likelihood of any such loss. However, nothing in this part prohibits the giving of usual performance guarantees by either the builder of a home or the manufacturer or seller of an appliance, as long as no identifiable charge is made for such guarantee. Nothing in this part shall be construed as permitting the provision of indemnification against consequential damages arising from the failure of any structural component or appliance of a home, which practice constitutes the transaction of insurance subject to all requirements of the insurance code. This part does not apply to service contracts entered into between consumers and nonprofit organizations or cooperatives the members of which consist of condominium associations and condominium owners and which perform repairs and maintenance for appliances or maintenance of the residential property.

(5) "Home warranty association" or "association" means any corporation or any other organization, other than an authorized insurer, issuing home warranties as herein defined.

(6) "Impaired" means having liabilities in excess of assets.

(7) "Insolvent" means the inability of a corporation to pay its debts as they become due in the usual course of its business.

(8) "Insurance code" means the Florida Insurance Code.

(9) "Insurer" means any property or casualty insurer duly authorized to transact such business in this state.

(10) "Net assets" means the amount by which the total assets of an association exceed the total liabilities of the association. For purposes of this definition, the term "total liabilities" does not include the capital and surplus of an association.

(11) "Person" includes an individual, company, corporation, association, insurer, agent, and every other legal entity.

(12) "Premium" means the total consideration received, or to be received, by an insurer or home warranty association for or related to the issuance and delivery of any binder or warranty, including any charges designated as assessments or fees for policies, surveys, inspections, or service or any other charges.

(13) "Sales representative" means any person with whom an insurer or home inspection or warranty association has a contract and who is utilized by such insurer or association for the purpose of selling or issuing home warranties. The term includes all employees of an insurer or association engaged directly in the sale or issuance of home warranties.

(14)(a) "Stated capital" means, at any particular time, the sum of:

1. The par value of all shares of the association having a par value that have been issued and have not been canceled;

2. The amount of consideration received by the association for all shares of the association without par value that have been issued, except such part of the consideration therefor as may have been allocated to capital surplus in a manner permitted by law; and

3. Such amounts, not included in subparagraphs 1. and 2., as have been transferred to stated capital of the association, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum which have been effected in a manner permitted by law.

(b) Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign association shall, for the purpose of computing taxes on qualification and other charges imposed by this act, be determined on the same basis and in the same manner as the stated capital of a domestic association.

(15) "Structural component" means the roof, plumbing system, electrical system, foundation, basement, walls, ceilings, or floors, or inground swimming pool of a home.

(16) "Surplus" means the excess of the net assets of an association over its stated capital.

Section 5. Section 634.3011, Florida Statutes, is created to read:

634.3011 Qualification for issuance of certain home warranty contracts.—

(1) Upon department approval, a home warranty contract may be sold at any time by a home warranty association, for which single-family residential property is the subject of the warranty, after satisfaction of the following requirements:

(a) The association must deposit with the department securities of the type eligible for deposit by insurers under s. 625.52, which securities must have at all times a market value of not less than \$250,000.

(b) The association must maintain net assets of at least \$400,000.

(c) The association must submit audited financial statements for the fiscal year preceding the date of approval, and it must submit audited financial statements annually thereafter, until all contracts sold under this section expire.

(2) A contract may be sold pursuant to this section if, based on a written customer representation, the following conditions are met:

(a) The home has a minimum value of \$50,000 or contains at least 1,200 square feet of heated space; and

(b) The home is less than 20 years old. If the home is between 12 years old and 20 years old, the home warranty association must conduct an onsite inspection if the home contains more than 2,500 square feet of heated space, which inspection must be performed by a qualified employee or qualified independent inspector prior to issuance of the contract.

(3) Except as provided in this section, all other requirements of this part must be met.

Section 6. Subsection (1) of section 634.308, Florida Statutes, 1988 Supplement, is amended to read:

634.308 Grounds for suspension or revocation of license.—

(1) The license of any home warranty association may be revoked or suspended, or the department may refuse to renew any such license, if it is determined that:

(a) The association has violated any lawful rule or order of the department or any provision of this part.

(b) The association has not maintained a funded, unearned premium reserve account as required by s. 634.3077(1).

(c) The association has not maintained, at a minimum, net assets as required by s. 634.3077(2).

(d) Any sales representative of the association who is selling or who has sold home warranties described in s. 634.3011 has violated any provision of s. 634.320 or s. 634.321.

Section 7. Section 634.317, Florida Statutes, is amended to read:

634.317 Registration required.—

(1) No person may solicit, negotiate, or effectuate home warranty contracts for remuneration in this state unless such person is registered as a sales representative. If a real estate office sells or issues home warranties, only one real estate broker for each office licensed under chapter 475 is required to be registered as a sales representative under this part. The broker acting as sales representative is responsible for the warranties sold or issued through the office.

(2) If a sales representative desires to sell home warranty contracts described in s. 634.3011, he must be registered as a sales representative under this part and must be one of the following:

(a) A general lines agent licensed under part II of chapter 626;

(b) A real estate broker licensed under chapter 475;

(c) A real estate salesman licensed under chapter 475; or

(d) An employee of a licensed home warranty association.

Section 8. Section 634.320, Florida Statutes, 1988 Supplement, is amended to read:

634.320 Grounds for compulsory refusal, suspension, or revocation of registration of sales representatives.—The department shall deny, suspend, revoke, or refuse to renew or continue the registration of any sales representative, and shall notify the agency that qualified him to be a registered sales representative, if it is found that any one or more of the following grounds applicable to the sales representative exist:

(1) Material misstatement, misrepresentation, or fraud in registration.

(2) The registration is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this part.

(3) Willful misrepresentation of any warranty contract or willful deception with regard to any such contract, done either in person or by any form of dissemination of information or advertising.

(4) In the adjustment of claims arising out of warranties, material misrepresentation to a warranty holder or other interested party of the terms and coverage of a contract, with the intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract.

(5) Demonstrated lack of fitness or trustworthiness to engage in the business of warranty.

(6) Demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the registration.

(7) Fraudulent or dishonest practices in the conduct of business under the registration.

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to an association, insurer, or warranty holder, or to others, and received in the conduct of business under the registration.

(9) Rebating, or attempting to rebate, or unlawfully dividing, or offering to divide, his commission with another.

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this part.

(11) Being found guilty of or pleading guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country involving moral turpitude, without regard to whether judgment of conviction has been entered by the court.

Section 9. Section 634.345, Florida Statutes, is amended to read:

634.345 Buyer's right to cancel.—Every warranty sold in connection with a loan as authorized by s. 634.301(4)(b) shall contain a provision providing that the purchaser or borrower may cancel the warranty within 10 days of purchase without penalty, except that, with respect to warranties sold under s. 634.3011, the cancellation period shall be 15 days from date of purchase or receipt of contract, whichever is later; and,

upon such cancellation, the insurer or home warranty association shall promptly refund the premium paid. This provision may be included in the warranty or by rider or endorsement thereto.

Section 10. This act shall take effect upon becoming a law.

Further consideration of **CS for SB 817** was deferred.

HB 834—A bill to be entitled An act relating to plant industry; amending s. 581.011, F.S.; defining "citrus"; amending s. 581.182, F.S., relating to the importation of citrus; clarifying genera being regulated; deleting a limitation on budwood introductions; revising requirements for quarantine and testing of introductions prior to release; authorizing waiver of permit requirements under certain circumstances; amending s. 581.185, F.S.; updating lists of endangered, threatened, and commercially exploited plants; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote **HB 834** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Scott	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **SB 1324** was deferred.

CS for SB 1325—A bill to be entitled An act relating to the juvenile justice system; creating a task force; providing membership; requiring the task force to examine the juvenile justice system; providing for repeal; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for SB 1325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Plummer	
Dudley	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick

SB 1356—A bill to be entitled An act relating to the State University System; amending s. 240.209, F.S.; authorizing the Board of Regents to assess fees against university budget entities to support the administration of the State University System by the board; correcting a cross-reference; amending s. 240.271, F.S.; specifying the information to be included in the annual enrollment plan to be submitted as part of the legislative budget request; directing the Board of Regents to allocate appropriated funds to individual universities; providing for the transfer of funds to university accounts; providing an effective date.

—was read the second time by title.

The Committee on Higher Education recommended the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 3, lines 8-10, strike all language after the period (.) on line 8 through the period (.) on line 10 and insert: *Upon request each university's plan will include planned enrollments by age category for both full-time and part-time students.*

Senator Peterson moved the following amendments which were adopted:

Amendment 2—On page 2, between lines 25 and 26, insert:

Section 2. Subsection (3) of section 240.257, Florida Statutes, is amended to read:

240.257 Florida Endowment Trust Fund for Eminent Scholars Act.—

(3) **ESTABLISHMENT OF THE TRUST FUND.**—There is established a Trust Fund for Eminent Scholars to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants. In the event funds in the trust fund are insufficient to match private contributions, the Board of Regents may authorize any university to encumber the state matching portion from funds available under s. 240.272, up to a total of \$5 million for the system. *In the event that excess unencumbered funds exist in either the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts, such funds may be transferred between these trust funds to be used for matching grants on the approved priority list.* Such authorization shall not entitle a university to a subsequent general revenue appropriation.

Section . Subsections (1) and (3) of section 240.2605, Florida Statutes, are amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to rules of the Board of Regents. Interest income accruing to that portion of the trust fund not allocated shall increase the total funds available for such challenge grants. *In the event that excess unencumbered funds exist in either the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts, such funds may be transferred between these trust funds to be used for matching grants on the approved priority list.*

(3) Grants received pursuant to this section shall be placed in a restricted endowment by the university foundation. The endowment and any interest income accrued to the endowment shall be expended exclusively for endowed professorships, ~~library resources, scientific and technical equipment,~~ and scholarships other than athletic. No moneys from the endowment shall be expended prior to approval by the Board of Regents.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 7, after the second semicolon (;) insert: amending ss. 240.257, 240.2605, F.S.; allowing certain funds to be transferred between the Trust Fund for Eminent Scholars and the Trust Fund for Major Gifts; amending the list of purposes for which grants received pursuant to s. 240.2605, F.S., may be used;

On motion by Senator Peterson, by two-thirds vote **SB 1356** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Beard	Forman	Kiser	Plummer
Brown	Gardner	Langley	Souto
Bruner	Girardeau	Malchon	Stuart
Casas	Gordon	Margolis	Thomas
Childers, D.	Grant	McPherson	Thurman
Davis	Grizzle	Meek	Weinstein
Deratany	Jennings	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick, Walker

The President presiding

CS for SB 175—A bill to be entitled An act relating to wrongful death; amending s. 768.18, F.S.; redefining "survivors"; amending s. 768.21, F.S.; increasing the classes of persons who may recover in a wrongful death action; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 2, line 5, insert:

(8) *The damages specified in subsection (3) shall not be recoverable by adult children, and the damages specified in subsection (4) shall not be recoverable by parents of an adult child, with respect to claims for medical malpractice as defined in s. 766.106(1), against a hospital licensed pursuant to chapter 395, any hospital parent or any hospital subsidiary corporation as defined in s. 627.357(1)(d) or (e), or the Florida Board of Regents, a physician licensed pursuant to chapter 458, an osteopath licensed pursuant to chapter 459, a pharmacist licensed pursuant to chapter 465, a dentist licensed pursuant to chapter 466, or an employee or agent of any such health care provider.*

Amendment 2—On page 1, line 21, after "amended" insert: , and subsection (8) is added to said section,

Senator Thomas moved the following amendment which failed:

Amendment 3—On page 1, lines 20-31 and on page 2, lines 1-4, strike all of said lines and insert:

Section 2. Subsections (3) and (4) of section 768.21, Florida Statutes, are amended and a new subsection (8) is added to said section to read:

768.21 Damages.—All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

(3) Minor children of the decedent, *and all children of the decedent if there is no surviving spouse*, may also recover for lost parental companionship, instruction, and guidance and for mental pain and suffering from the date of injury.

(4) Each parent of a deceased minor child may also recover for mental pain and suffering from the date of injury. *Each parent of an adult child may also recover for mental pain and suffering if there are no other survivors.*

(8) *Damages may not be awarded pursuant to this section against any facility licensed under chapters 394, 396, 397, and 400.*

Senator Beard moved the following amendment which failed:

Amendment 4—On page 2, line 4, after the period (.) insert: Provided, damages for children of the decedent where there is no surviving spouse as provided in paragraph (3) or damages provided for the parent of an adult child in this paragraph (4) shall not be recoverable from any defendant subject to a comprehensive safety code mandated by a state or federal regulatory agency having jurisdiction over such defendant unless such defendant shall be found guilty of willful and wanton misconduct which is the principal and direct cause of the wrongful death constituting the subject matter of the lawsuit

Further consideration of **CS for SB 175** as amended was deferred.

Motion to Reconsider

The motion by Senator Dudley that the Senate reconsider the vote by which **SB 81** passed this day was taken up and the motion failed.

SB 1324—A bill to be entitled An act relating to workers' compensation; amending s. 440.57, F.S.; relating to self-insurers with pooled liabilities; prohibiting making dividends or premium refunds contingent on renewal of, or payment of renewal premiums on, a policy issued by such self-insurer; providing an effective date.

—was read the second time by title.

The Committee on Insurance recommended the following amendments which were moved by Senator Weinstein and adopted:

Amendment 1—On page 1, lines 19 and 20, after "upon" strike all of

said lines and insert: *continued membership in the fund, renewal of any policy, or the payment of renewal premiums for membership in the fund or on any policy issued by such self-insurer. Prior to making any dividend or premium refund, the group self-insurer shall submit to the division the following information:*

(a) *An audited certified financial statement.*

(b) *An annual report of financial condition.*

(c) *A loss reserve review by a qualified actuary.*

The required information listed in paragraphs (a) - (c) shall be submitted annually, no later than 7 months after the end of the group self-insurer's fund year. No request for such dividend or premium refund may be made prior to the filing of the required information. The request for such dividend or premium refund shall include a resolution of the board of trustees of the group self-insurer requesting approval of a specific amount to be distributed. Any dividend, premium refund, or premium discount or credit shall in no manner discriminate on the basis of continued coverage or continued membership in the group self-insurer. The division shall review the request and shall issue a decision within 60 days of the filing. Failure to issue a decision within 60 days shall constitute an approval of the request. Any dividend or premium refund approved by the division for distribution which cannot be paid to the applicable member or policyholder or former member or policyholder of the group self-insurer because the former member or policyholder cannot be reasonably located shall become the property of the group self-insurer.

Amendment 2—In title, on page 1, strike all of lines 7 and 8 and insert: on, a policy issued by such self-insurer, or on continued membership in the fund or payment of renewal premiums for such membership; requiring the filing of certain financial information; requiring review of refund requests; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote **SB 1324** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

The Senate resumed consideration of—

CS for HB 877—A bill to be entitled An act relating to acupuncture; amending s. 457.105, F.S.; modifying qualifications for certification to practice acupuncture; providing an effective date.

Senator Girardeau moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 15-19 and insert:

(c) *Passes an examination administered by the*

Further consideration of **CS for HB 877** as amended was deferred.

On motions by Senator Gardner, by two-thirds vote—

CS for HB 1022—A bill to be entitled An act relating to motor racing events; amending s. 549.08, F.S.; providing conditions for the issuance of a permit to conduct a racing event on lands leased from the state; providing an effective date.

—a companion measure, was substituted for **CS for SB 682** and by two-thirds vote read the second time by title.

Further consideration of **CS for HB 1022** was deferred.

The Senate resumed consideration of—

CS for SB 817—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term "motor vehicle" for purposes of the regulation of motor vehicle service agreement companies; amending s. 634.041, F.S.; revising criteria for qualifications for licensure as a motor vehicle service agreement company to provide for the deposit of certain funds and the purchase of insurance; amending s. 634.081, F.S.; providing an additional criterion for the Department of Insurance to consider prior to the suspension or revocation of a license or the refusal to renew a license; amending s. 634.301, F.S.; providing definitions; providing for a home warranty to include contracts or agreements for certain home improvements; providing an effective date.

—with pending **Amendment 1** which was withdrawn.

On motion by Senator Weinstein, by two-thirds vote CS for SB 817 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of—

CS for SB 1218—A bill to be entitled An act relating to telecommunications; requiring the Florida Public Service Commission to prepare a report to the Legislature on the status of competition in the telecommunications industry in this state; providing for contents and submission of the report; requiring the Office of the Public Counsel to prepare a report to the Legislature on the ratepayers' perspective to such competition; providing for contents and submission of the report; providing that the provisions of ch. 364, F.S., relating to telephone companies, are not repealed October 1, 1989, notwithstanding repeals scheduled pursuant to various acts; repealing ss. 364.01-364.385, F.S., relating to telephone companies, effective October 1, 1990; providing for review of such sections in advance of repeal; providing an effective date.

—with pending **Amendment 2** which was withdrawn.

Senator Stuart moved the following amendment which failed:

Amendment 3—On page 5, between lines 4 and 5, insert:

Section 6. Section 364.015, Florida Statutes, is created to read:

364.015 Standards of conduct.—The Florida Public Service Commission shall, on or before September 1, 1989, adopt by rule a code of ethics modeled after the Code of Judicial Conduct, as of January 1, 1989, imposing to the full extent practicable, the same limitations on commissioner's conduct, with respect to telecommunications issues before the commission, as is imposed on the judiciary.

The vote was:

Yeas—11

Brown	Forman	Malchon	Stuart
Bruner	Girardeau	Meek	Woodson-Howard
Deratany	Gordon	Plummer	

Nays—19

Mr. President	Crenshaw	Jennings	Souto
Bankhead	Dudley	Johnson	Thurman
Casas	Gardner	Kiser	Walker
Childers, D.	Grant	Langley	Weinstein
Childers, W. D.	Grizzle	Margolis	

Senator Jennings moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 19, after the semicolon (;) insert: providing an exemption to the Open Government Review Act;

On motion by Senator Jennings, by two-thirds vote CS for SB 1218 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Davis	Jennings	Plummer
Bankhead	Deratany	Johnson	Souto
Brown	Dudley	Kiser	Stuart
Bruner	Forman	Langley	Thurman
Casas	Gardner	Malchon	Walker
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grant	Meek	Woodson-Howard
Crenshaw	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Girardeau, Kirkpatrick

The Senate resumed consideration of—

CS for HB 1022—A bill to be entitled An act relating to motor racing events; amending s. 549.08, F.S.; providing conditions for the issuance of a permit to conduct a racing event on lands leased from the state; providing an effective date.

Senators Gardner, Beard and Davis offered the following amendment which was moved by Senator Gardner and adopted:

Amendment 1—On page 1, line 21, after the period (.) insert: *The Florida State Fair Authority is exempt from the provisions of this subsection.*

On motion by Senator Gardner, by two-thirds vote CS for HB 1022 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	Meek	Walker
Bruner	Girardeau	Myers	Weinstein
Casas	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of—

CS for SB 175—A bill to be entitled An act relating to wrongful death; amending s. 768.18, F.S.; redefining "survivors"; amending s. 768.21, F.S.; increasing the classes of persons who may recover in a wrongful death action; providing an effective date.

On motion by Senator Grant, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Grant moved the following amendments which were adopted:

Amendment 5—On page 2, line 5, insert:

(8) *The damages specified in subsection (3) shall not be recoverable by adult children and the damages specified in subsection (4) shall not be recoverable by parents of an adult child with respect to claims for medical malpractice as defined in s. 766.106(1) against a hospital licensed pursuant to chapter 395, any hospital parent or any hospital subsidiary corporation as defined in s. 627.357(1)(d) or (e), a physician licensed pursuant to chapter 458, an osteopath licensed pursuant to chapter 459, a pharmacist licensed pursuant to chapter 465, a dentist licensed pursuant to chapter 466, an employee or agent of any such health care provider, or the Board of Regents.*

Amendment 6—On page 1, strike all of lines 20 and 21 and insert:

Section 2. Subsections (3) and (4) of section 768.21, Florida Statutes, are amended and a new subsection (8) is added to said section to read:

On motion by Senator Weinstein, by two-thirds vote CS for SB 175 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Deratany	Johnson	Souto
Beard	Dudley	Kiser	Stuart
Bruner	Forman	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	
Davis	Jennings	Scott	

Nays—6

Bankhead	Gardner	Thomas
Brown	Plummer	Woodson-Howard

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Weinstein, the rules were waived and CS for SB 175 was ordered immediately certified to the House.

CS for HB 332—A bill to be entitled An act relating to insurance; amending s. 627.674, F.S.; modifying certain minimum standards for Medicare supplement health insurance policies; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 1, line 25 through line 14 on page 2, strike all of said lines and insert:

(f)1. *If it is not replacing an existing policy, not limit or preclude liability under the policy for a period longer than 6 months because of a health condition existing before the policy is effective. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.*

2. *If it is replacing an existing policy, provide coverage for a health condition which existed prior to the effective date to the same extent that coverage was provided by the policy replaced. However, if the policy being replaced limited or precluded liability due to the health condition, the replacement policy may not limit or preclude liability for more than 6 months because of such condition.*

Section 2. This act shall take effect October 1, 1989, and shall apply to policies or contracts issued or renewed on or after such date.

Amendment 2—In title, on page 1, strike all of lines 3-6 and insert: 627.674, F.S.; providing requirements for coverage of preexisting conditions in certain policies; providing for coverage for certain health conditions in replacement policies; providing an effective date.

On motion by Senator Dudley, by two-thirds vote CS for HB 332 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley

Forman	Jennings	Meek	Thurman
Gardner	Johnson	Myers	Walker
Girardeau	Kiser	Plummer	Weinstein
Gordon	Langley	Souto	Weinstock
Grant	Malchon	Stuart	Woodson-Howard
Grizzle	Margolis	Thomas	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 1447 was withdrawn from the Committee on Agriculture.

On motions by Senator Margolis, by two-thirds vote SB 260, CS for SB's 9, 1 and 248, CS for SB 508, CS for SB 611, CS for SB 1061, CS for SB 1230 and CS for SB 1281 were withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote Senate Bills 189, 643, 1049, 1057, 253, CS for SB 571, CS for SB 689, CS for SB 709, CS for SB 808, CS for SB 846, CS for SB 894, CS for SB 1048, CS for SB 1244, CS for SB 1398, CS for SB 1428, and CS for SB 232 were withdrawn from the Committee on Finance, Taxation and Claims.

Announcement

Senator Scott announced that the Special Order Subcommittee of the Committee on Rules and Calendar would meet at 4:00 p.m. this day.

ENROLLING REPORTS

Senate Bills 214, 237, CS for SB 245, Senate Bills 269, 428, 474, CS for SB 477, and SB 696 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 23, 1989.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 18 was corrected and approved.

CO-INTRODUCERS

Senators Grizzle and Kirkpatrick—CS for CS for SB 102; Senator Brown—CS for CS for SB 102 and SB 650; Senator Stuart—CS for CS for SB 102 and SB 167; Senators Bankhead, Beard, Casas, Crenshaw, Deratany, Gardner, Girardeau, Grant, Langley, Meek, Thomas and Woodson-Howard—SB 650; Senator Davis—Senate Bills 650 and 820; Senator Dudley—Senate Bills 650 and 830; Senator Beard—CS for SB 1474

Senator Gordon withdrew his name as a co-introducer of SB 381.

RECESS

On motion by Senator Scott, the Senate recessed at 3:57 p.m. to reconvene at 10:00 a.m., Thursday, May 25.

SENATE PAGES

May 22-26

Michael Cordova, Tallahassee; Vincent A. Cummings, Cape Coral; Jason L. Epstein, Miami; Kathleen Gallen, Bradenton; Donna Gievers, Miami; James D. Grubbs, Tallahassee; Joel W. Harrell, Tallahassee; David Harvey, Wilton Manors; Jeannette Hill, Jupiter; Lawrence David Katz, Miami; Christina B. Lewis, St. Petersburg; Jillian Marcus, Coral Springs; John Robert Mitchell, Graceville; Timothy Vaughn Monahan, Jacksonville; Dana Michele Morgan, Orlando; Erika Lee Perrone, Jacksonville; Erin A. Smith, St. Petersburg; Kimberley S. Storchak, Miami; Adam S. Tanenbaum, Seminole; Tory Wills, Tallahassee